

## 510 BEHAVIOR MANAGEMENT PLAN

*Portions were adopted in whole or in part from Robbinsdale Student Behavior Handbook*

### I. PURPOSE

The purpose of student discipline is to prevent or minimize harm to the student and others; minimize disruption to the learning and working environments; and ensure that students are held accountable for their actions to the extent their behavior was knowing and intentional, unsafe or dangerous and/or in violation of the Student Conduct Procedure, Board policy, or the law.

Effective responses to student misconduct consider the age and cognitive development of the student and include: framing instruction and coaching to the needs of the particular student; building or strengthening relationships; repair of harm; restorative practices designed to restore relationships, and re-engage students in the learning community. Effective discipline is educational, not punitive.

### II. GENERAL STATEMENT OF POLICY

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 that promotes respect for self, others, and property. Proper positive discipline can only result from an environment that 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 students' educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.

### III. DEFINITIONS

#### Restorative Practices

Restorative practices strengthen school climate by developing a restorative mindset in the adults, building community, and responding to harm. Restorative practices allow a school community to build relationships, problem solve, repair harm, and learn. Practices include collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing. In this approach, relationships are the most important way we learn about the world and ourselves. A restorative practice school and community believe:

- Everyone in the school community is good, wise and powerful
- We are all connected to one another
- All of us want to be in good, healthy relationships with others
- We all have talents and gifts we bring to school
- It takes time, habits, and support to build and maintain positive relationships. In our schools, we may use restorative practices to address conflicts between students, between students and staff, and between family members and staff

#### Dismissal

When students lose access to the current educational program through suspension, expulsion, or exclusion for less than one day. Does not include removal from class.

#### Exclusion

An action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year.

#### Expulsion

A school board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.

#### Investigation

Investigations are conducted by the building administration prior to consequences. Students may be suspended while an investigation is occurring.

## Readmission Plan

A readmission plan is required for students suspended from school. This is a critical step in helping students connect back to the school community.

### Removal from Class

Any actions taken by a teacher, School 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) days. Students on an IEP can not be removed from class.

### Suspension

Removal of a student from school for one day or more. Does not apply to dismissal for less than one school day, except as provided under federal law for a student with a disability. See the Pupil Fair Dismissal Act for more information

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## IV. AREAS OF RESPONSIBILITY

- A. The School Board: The 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. School Director: The School Director shall hold all school personnel, students, and parents/ legal guardians responsible for adhering to this policy, and support all school personnel performing their duties within the framework of this policy. The School Director may establish guidelines and directives for using the services of appropriate agencies for assisting students and parents/legal guardians. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.

The School Director is given the authority to formulate rules and regulations necessary to enforce this policy, subject to final school board approval. The School Director shall consult with parents/legal guardians of students conducting themselves in a manner contrary to the policy. The School Director may also involve other professional employees in the disposition of behavior referrals and may make use of those agencies appropriate for assisting students and parents/legal guardians. A School Director, in exercising his or her lawful authority, 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. In addition to overseeing student behavior, the School Director will implement

restorative training and facilitate restorative practices among staff and students.

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B. Here we could put the title of the role of who is instead in charge of the implementation of restorative training and facilitation

C. 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 Student Conduct Procedure. All teachers shall engage students in restorative conversations when addressing behavioral issues, allowing students to reflect on their choices and their impact on others. In exercising the teacher's lawful authority, a teacher may call for assistance of an authorized person to use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

D. Other School Personnel: 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 School Director. A school employee, school bus driver, or other agent of a school, in exercising his or her lawful authority, may use reasonable force under extreme circumstances when it is necessary to restrain a student or prevent bodily harm or death to another.

E. Parents or Legal Guardians: Parents and legal 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 in the resolution of the behavior of their children.

F. Students: All students shall be held individually responsible for their behavior and for knowing and adhering to the Student Conduct Procedure and this policy. In acknowledgment of their role as active members of the school community, students are encouraged to participate in restorative dialogues and take responsibility for their actions through reflection and making amends.

G. **Community Members:** Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

## V. STUDENT RIGHTS

All students have the right to an education, the right to learn, and to participate in a safe environment where their voices are heard.

## VI. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A. For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;
- I. To volunteer information in disciplinary cases, should they have any knowledge relating to such cases, and to cooperate with school staff as appropriate;
- J. To respect and maintain the school's property and the property of others;

- K. 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 policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.
- O. To communicate openly and respectfully with peers and staff, especially when conflicts arise.

## VII. DETERMINING THE DISCIPLINARY RESPONSE

Understanding discipline as a “teachable moment” is fundamental to a positive approach. The goal of progressive discipline is to prevent the recurrence of negative behavior by helping students learn from their mistakes. Essential to the implementation of progressive discipline is assisting students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it has caused.
- Understand what they could have done differently in the same situation.
- Take responsibility for their actions.
- Learn strategies and skills to use in the future.
- Model and practice replacement strategies.
- Understand the progression of consequences with recurring behavior.
- Emphasize prevention and effective intervention and resiliency.
- Prevent disruption to students’ education.
- Promote a positive school climate.

Staff will make a reasonable effort to address student behavior through school-based, non-exclusionary interventions such as restorative practices. Sometimes, inappropriate behavior or rule violations reflect more serious problems that students are experiencing. It is important for

school personnel to be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

In determining how best to address inappropriate behavior, it is necessary to evaluate the totality of the circumstances surrounding the behavior. The following must be considered prior to determining the appropriate disciplinary measures:

- The student's age, maturity, culture, and developmental level.
- The student's disciplinary record, including the nature of any prior misbehavior, the number of prior instances of misbehavior, and the 14 disciplinary and guidance. Intervention measures were applied for each.
- The nature, severity, and scope of the behavior.
- The circumstances/context in which the conduct occurred. • The frequency and duration of the behavior.
- The number of persons involved in the behavior.
- The social-emotional status/needs of all persons involved in the behavior.
- The student's Behavior Intervention Plan (BIP), if applicable.
- The student's Individualized Education Program (IEP), BIP and/or 504 Accommodation Plan, if applicable.

## VIII. DISCIPLINE GUIDANCE FOR PRE-K STUDENTS

Discipline guidance for Pre-K students recognizes that students enter with varying school experiences and from a variety of backgrounds. Pre-K students demonstrate a wide range of developmentally appropriate behaviors and skills. Pre-K staff use relationships, supportive environments, proactive measures, positive reinforcement, and responsive strategies to guide and teach expected student behavior. Children in our Pre-K program may not be suspended or expelled without approval by the Executive Director.

## IX. DISCIPLINE FOR STUDENTS IN KINDERGARTEN THROUGH THIRD GRADE

Discipline for students in kindergarten through third grade Minnesota law (policy 506) prohibits disciplinary removals for students enrolled in kindergarten through grade 3. Exceptions to this are:

- Schools have exhausted all non-exclusionary resources, and there continues to be an ongoing serious safety threat to the child or others

- Does not apply to dismissal of less than one day Minnesota law (Board Policy No. 506 AP: Student Discipline) prohibits disciplinary removals for students from recess. Exceptions to this are:
  - A student causes or is likely to cause serious physical harm to other students or staff.
  - The student's parent or guardian specifically consents to the use of recess detention.
  - 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.

## X. LEVELS OF CORRECTIVE STRATEGIES

Behavior violations are grouped into five levels based on the severity of the infraction. The following lists potential violations in alphabetical order, along with the level of the violation. Whenever possible and appropriate, the response to misconduct begins with the lowest level of disciplinary response and includes appropriate support and interventions. Below, we describe potential supports and interventions at each level.

Level 1 interventions are generally addressed by school staff members when a student has minimal or no prior infractions. The staff response is to teach and practice the expected behavior so students learn and demonstrate safe and respectful behaviors. Staff members are expected to use a variety of teaching and management strategies. Choices to address student infractions:

- Restorative practices
- Making amends to those harmed or offended
- Verbal correction • Providing a reflective activity
- Re-teaching behavioral expectations
- Creating a behavior contract that includes expected student behaviors and consequences for infractions and/or incentives for demonstrating expected behavior
- School community service
- Loss of privileges
- In-class time-out
- Removal from one class to another supervised classroom (less than one hour)
- Mediation

- Detention, during which the student completes school work
- Alternative in-school educational programming, during which school work is completed, for less than half a day
- In-school suspension, during which school work is completed, for more than half a day
- Restitution Appropriate staff interventions may involve the parent/ guardian and other members of the school community. Interventions may include:
  - Parent/guardian notification
  - Parent/guardian/teacher conference
  - Parent/guardian accompanying student to school or class
  - Requiring students to remove, adjust, or cover up clothing that violates student dress requirements
  - Conflict resolution
  - Mentoring program participation
  - Contract between teacher, student, and parent/guardian
  - Peer mediation
  - Referral Repeated instances of a Level 1 violation may be treated as a violation at a higher level only when appropriate interventions have been attempted over a reasonable amount of time and documented in the student's record.

Level 2 violations will generally result in interventions and/or disciplinary responses that involve the school administration. These actions aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school.

Choices to address student infractions:

- Restorative practices
  - Making amends to those harmed or offended
- Verbal correction
  - Providing a reflective activity
- Re-teaching behavioral expectations

- Creating a behavior contract that includes expected student behaviors and consequences for infractions and/or incentives for demonstrating expected behavior
- Parent/guardian notification
- Parent/guardian conference
- Loss of privileges
- School community service
- Monetary restitution
- Consecutive day removal (up to five days) to another supervised classroom during a designated subject
- Mediation
- Detention, during which the student completes school work
- Alternative in-school educational programming, during which school work is completed, for less than half a day
- In-school suspension time, during which school work is completed, for more than half a day
- Referral to behavioral interventionist for tobacco/chemical infraction
- Potential police notification: Repeated instances of a level 2 violation may be treated as a violation at a higher level only when appropriate interventions have been attempted over a reasonable amount of time and documented in the student's record.

Level 3 violations will generally result in interventions and/or disciplinary responses that involve the school administration. These actions aim to correct behavior by stressing the seriousness of the behavior while providing access to educational programming. 16 Choices to address student infractions:

- Restorative practices
- Making amends to those harmed or offended
- Verbal correction
- Providing a reflective activity
- Re-teaching behavioral expectations

- Creating a behavior contract that includes expected student behaviors and consequences for infractions and/ or incentives for demonstrating expected behavior
- Parent/guardian notification
- Parent/guardian conference
- Alternative in-school educational programming, during which school work is completed, for less than half a day
- In-school suspension, during which school work is completed, for more than half a day
- Monetary restitution
- Out-of-school suspension (partial day and up to five days)
- Potential police notification
- Removal from the classroom
- Referral to behavioral interventionist for tobacco/ chemical infraction
- Collaborative conversation meeting
- Administrative review. Repeated instances of a level 3 violation may be treated as a violation at a higher level only when appropriate interventions have been attempted over a reasonable amount of time and documented in the student's record.

Level 4 interventions may involve the removal of the student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on maintaining the safety of the school community and ending self-destructive and/or dangerous behavior. Due to the severity of the behavior, police notification has the potential to be used for all Level 4 infractions.

Choices to address student infractions:

- Restorative practices
- Out-of-school suspension (partial day and up to five days)
- Administrative transfer
- Monetary restitution
- Interim alternative educational placement

- Referral to behavioral interventionist for tobacco/ chemical infraction
- Potential police notification
- Administrative hearing in lieu of expulsion

Level 5 violations require the School Director to notify the Board Chair and Executive Director. Due to the severity of the behavior, police notification has the potential to be used for all Level 5 infractions.

#### Examples of Disciplinary Responses

These responses involve the removal of the student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on maintaining the safety of the school community and ending self-destructive and/or dangerous behavior:

- Restorative practices
- Out-of-school suspension (partial day and up to five days)
- Administrative transfer
- Monetary restitution
- Interim alternative educational placement
- Referral to behavioral interventionist for tobacco/ chemical infraction
- Potential police notification
- Administrative hearing in lieu of expulsion

## XI. BEHAVIOR VIOLATIONS AND RESPONSE LEVELS

Behavior Violations and Response Levels	Levels	1	2	3	4	5
<p><b>Arson</b>            Students must obey fire safety laws and keep school property safe.            Students must not plan and/or participate in malicious burning of property. The use of a combustible or flammable liquid is prohibited.            Minn. Stat § 609.561 - 609.5632 (arson in 1st through 5th degrees)</p>						x
<p><b>Assault</b>            Students must get help when needed to solve problems nonviolently.            Students must not commit an act with the intent to cause fear in another or immediate bodily harm or death, or intentionally inflict or attempt to inflict bodily harm upon another. Minn. Stat § 609.224</p>						x
<p><b>Bullying</b>            Communication should be conducted with kindness. Bullying is intimidating, threatening, abusive, or harmful conduct that is objectively offensive and:</p> <ul style="list-style-type: none"> <li>• There is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior, and the conduct is repeated or forms a pattern; or</li> <li>• Action materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This includes using technology or other electronic communication that disrupts students' learning or the school environment.</li> </ul> <p>See Board Policy 520: Bullying Prohibition for more information</p>						x
<p><b>Cheating</b>            Students are expected to do their own work. Students must not use, submit, or attempt to obtain data or answers dishonestly, or by deceit, collusion, or means other than those authorized by the teacher.            Examples of acts of cheating/ plagiarism include any appropriation, literary theft, falsification, counterfeiting, piracy, fraud, or unsupervised possession of any federal-, state-, or district-mandated tests. Plagiarism includes, but is not limited to, copying word-for-word from references such as books, magazines, research materials, or the</p>						x

internet.				
<p><b>Cyber Bullying</b></p> <p>Cyberbullying is bullying – unwanted, repeated, aggressive, negative behavior – that takes place using digital devices like cell phones, tablets, and computers. Cyberbullying can happen over email, through texting, on social media, while gaming, on instant messaging, and through photo sharing. Students are not to send, post or share negative, harmful, false, or mean content about anyone else. They may not post personal information, pictures, or videos designed to hurt or embarrass another person.</p>			X	
<p><b>Disruptive Behavior</b></p> <p>Students are expected to follow school-wide behavioral expectations and abide by classroom rules, routines, and procedures. Students must not interrupt the learning of others or behave in a manner that causes disruption to the school environment. If a teacher or other school adult is prevented from starting an activity or lesson, or has to stop what they are doing to try to stop the student's behavior, the behavior is considered disruptive. For example, if a student causes a disruption in the classroom by talking, making noises, throwing objects, play-fighting, or otherwise distracting one or more classmates, the student is engaging in disruptive behavior.</p>		X		
<p><b>Electronic Communication Devices</b></p> <p>Electronic devices may be brought to school only in accordance with school policy. Students must use communication devices according to their school's policy (a school may choose to develop a specific plan related to the authorized use of electronic devices). Electronic communication devices must be turned off during school hours unless allowed by school policy.</p>		X		
<p><b>Extortion/Robbery</b></p> <p>Students are expected to respect other people and their decisions. Students must accept "no" for an answer when making a request of another person. Extortion means getting money or a promise by using threat or force. Students must not make a person do anything he or she does not want to do by using threats or force. Students must not take another person's property. Students must not take or attempt to take from another person any property by force or threat of force.</p>			X	
<p><b>Failure to Follow Directions</b></p> <p>Students are expected to follow the instructions of school staff. School staff includes administrators, teachers, paraprofessionals, office staff,</p>		X		

custodians, bus drivers, lunchroom workers, school volunteers, etc. If students do not obey the instructions and/or directions given by school staff, the behavior may be considered disobedient.					
False Fire Alarms or Bomb Reports/Tampering with Fire Alarm System: Students must obey laws regarding fire safety. Students must not set off a fire alarm at any time unless there is an emergency. Destroying or damaging a fire alarm is prohibited. Students must not falsely call or make a report to 911 or other emergency personnel.			X		
Fighting Conflicts must be resolved peacefully. Students must not physically fight with another person. Fighting involves the exchange of mutual physical contact, e.g., shoving, kicking, hair pulling, biting and hitting, with or without injury (i.e., mutual combat).			X		
Fraud/False Identification Students are expected to be honest. Students must not sign or give a name other than their own.	X				
Gambling Students must not play games of cards, chance, or dice for money or other items, except if such games are played at a school-sponsored activity for educational purposes.		X			
Group Violence Students should interact in a positive manner with their peers. Students must not plan, instigate or participate with another or others in an incident of group violence				X	
Harassment All communication in the school is to be conducted with kindness. Students must not use words (written, verbal, electronic), gestures, photographic images, drawings, or any form of communication to harass another person. This includes harassment based on race, gender, religious beliefs, nationality, disability or sexual orientation. See Board Policy 522: Harassment Policy.		X			
Harmful Physical Contact Students must seek help to solve problems nonviolently. Students must not engage in physically aggressive behavior that creates a substantial risk or results in injury.			X		
Hazing Students should interact safely with peers. Hazing is committing an act			X		

<p>or coercing a student into committing an act that creates a substantial risk of harm in order for the student to be initiated into or affiliated with a school or school group.</p> <p>See Board Policy 519: Hazing Prohibition for a more detailed definition and information.</p>						
<p><b>Inappropriate Communication</b></p> <p>Students are expected to speak considerately to others. Examples of inappropriate communication include put-downs, swearing, threatening, making fun of, or negatively talking about a person or their family.</p>		X				
<p><b>Inappropriate Use of Electronic Technology</b></p> <p>Students are expected to use technology and other resources in a safe and responsible manner. Students must not make, produce or distribute videos, images, sound recordings or other media. Depictions of such conduct on social networking sites such as Facebook, YouTube, Instagram, Snapchat, or any other similar websites are prohibited. Any representations of prohibited behavior must be immediately turned over to the School Director or their designee. Reproduction and distribution of these items will result in disciplinary action.</p>		X				
<p><b>Major Theft/Possession of Stolen Property (Over \$500)</b></p> <p>Students must use only their own belongings unless explicit permission from the owner is given to borrow an item. Students must not take anything that does not belong to them. Students must not possess anything that they know, or have reason to know, has been stolen. Students must not use school-owned or personal equipment to conduct illegal activity.</p>		X				
<p><b>Minor Theft/Possession of Stolen Property (Under \$500)</b></p> <p>Students must use only their own belongings unless explicit permission from the owner is given to borrow an item. Students must not take anything that does not belong to them. Students must not have anything that they know, or have reason to know, has been stolen. Students must not use school-owned or personal equipment to conduct illegal activity.</p>		X				
<p><b>Physical Contact (No bodily harm)</b></p> <p>Students must get help when needed to solve problems nonviolently. Students must not engage in non-serious but inappropriate physical contact, such as pushing, play fighting, and intimidation.</p>		X				
<p><b>Physical Contact with Staff</b></p>			X			

<p>Students must seek help to solve problems nonviolently. Students must not engage in physical contact toward staff. Students who engage in physical contact toward staff may have up to a five-day suspension pending a school investigation. Students may be recommended for an administrative review/hearing based on the outcome of the investigation.</p>						
<p>Possession of an Other Weapon or Object, not a firearm, and not meeting the Minnesota Statute dangerous weapon definition, with no intent. Students are expected to bring objects and materials to school that are required for learning and participating in activities. Students must keep dangerous weapons out of school. "Other weapon" includes any device or instrument – including any nonconventional weapon – which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm or substantial bodily harm, or fear of any degree of bodily harm. Other weapons include, but are not limited to knives with blades, fake knives, look-alike weapons, clubs, metal knuckles, chains, poisons, arrows, bats, nunchucks, throwing stars, stun guns, mace and other propellants, and other objects that have been modified to serve as a weapon, etc</p>		X				
<p>Possession/Use of a Dangerous Weapon Other than a Firearm. Students are expected to bring objects and materials to school that are required for learning and participating in activities. Students may not bring dangerous weapons to school. A "dangerous weapon other than a firearm" is defined as: 1. Any device or instrument designed as a weapon and capable of producing death or great bodily harm; 2. Any device modified so that it may be used as a weapon and capable of producing death or great bodily harm; 3. Any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm; 4. Any fire that is used to produce death or great bodily harm; 5. Any knife with a blade; 6. Any replica firearm, BB or pellet gun. Minn. Stat § 609.02, subd. 8 (def. great bodily harm) Minn. Stat § 609.02, subd. (def. of a dangerous weapon) Minn. Stat § 609.66, subd. 1d, 18 U.S.C. § 930(g)(2) (def. dangerous weapon)</p>		X				
<p>Possession/Use of a Firearm</p> <p>Students are expected to bring objects and materials to school that are required for learning and participating in activities. Students may not bring firearms to school. Firearms are banned from the property. A firearm is defined in Minn. Stat. § 609.666, subd. 1(a) as a device designed to be used as a weapon, from which is expelled a projectile by the force of explosion or by the force of combustion.</p>						X

Possession/Use of Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition, with use or intent to use  Students are expected to bring objects and materials to school that are required for learning and participating in activities. Students may not bring weapons to school. "Other weapon" includes any device or instrument – including any non-conventional weapon – which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm or substantial bodily harm or fear of any degree of bodily harm. Other weapons include, but are not limited to, knives with blades, fake knives, look-alike weapons, clubs, metal knuckles, chains, poisons, arrows, bats, nunchucks, throwing stars, stun guns, mace and other propellants, and other objects that have been modified to serve as a weapon, etc. Minn. Stat § 609.02, subd. 7 & 7a (def. great bodily harm, substantial bodily harm) Minn. Stat § 609.713, subd. 3 (b)(2)(def. replica firearm)					X
Property Damage/Vandalism (Under \$500)  Students must take care of school property. Students must not damage, break, destroy or misuse school property or anything that belongs to someone else.				X	
Property Damage/Vandalism (Over \$500)  Students must take care of school property. Students must not damage, break, destroy or misuse school property.			X		
Selling Drugs or Controlled Substances  Students are expected to bring objects and materials to school that are required for learning and participating in activities. Students may not sell or distribute legal or illegal drugs, synthetic drugs/imitations, alcohol, or other controlled substances. Students may be referred for a chemical use assessment. Minn. Stat § 152.01, subds. 1-22 (definition of controlled substances) Minn. Stat § 152.02 Minn. Stat §§ 152.021-152.025 (controlled substance crimes in the 1st through 5th degrees)					X
Sexually Inappropriate Behavior  Maintain appropriate boundaries with peers. Students must not engage in sexual behavior, including but not limited to, sexual intercourse, displaying or distributing sexually explicit materials, indecent exposure, and other sexual contact.			X		
Sexual Assault  Students must protect the safety and rights of others. Students must not sexually attack nor sexually abuse another person. Students must				X	

not engage in nonconsensual sexual intercourse, sexual contact, or indecent exposure with another person.				
Substantial Disruption Students are expected to help maintain a safe and productive learning environment. Students must not engage in or cause disruptive behavior that creates a substantial risk of (or results in) injury or that significantly disrupts learning (e.g., throwing chairs, causing the evacuation of classrooms, eloping to unsafe areas).			X	
Threats Students are expected to be kind to other people. Students may not make any oral, written or physical threat, sign, or act that conveys intent to cause harm or violence, even made in jest.			X	
Threats of Violence Students are expected to be kind to other people. Threatening directly or indirectly to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly or vehicle, or otherwise to cause serious public inconvenience or in reckless disregard of the risk of causing such terror or inconvenience, is prohibited. Minn. Stat § 609.713 (def. of terrorist threats)				X
Tobacco/Smoking Students are expected to protect their own health and safety and that of others. Students must not possess, smoke, or use any kind of tobacco product or associated paraphernalia, including e-cigarettes and vaping. American Indian students may possess tobacco, which is used for traditional and ceremonial purposes.		X		
Trespassing, Including During Periods of Dismissal or Suspension Students must stay in designated areas of the school to which they have been assigned. Students must have permission from a building administrator or be escorted by a parent/caregiver or emergency contact person to enter a building other than their own. Students must not return to school while under expulsion or removal, except with permission from a building administrator and under escort by a parent/caregiver or emergency contact person.			X	
Use/Possession of Combustibles Students must obey the law regarding combustibles. Students must not use or be in possession of substances/objects capable of causing bodily harm and/or property damage (matches, lighters, firecrackers, gasoline, lighter fluid, etc.).		X		

<p><b>Use/Possession of Drugs, Alcohol or Other Controlled Substances.</b>          Students are expected to protect their own health and safety and that of others. Students must not bring alcohol or illegal drugs to school or school activities. Students must not use, be under the influence of, or buy or sell alcohol or illegal drugs. This section also applies to any substance made to look like, or represented to be, illegal drugs or alcohol and any related paraphernalia. Students are permitted to bring prescribed or over-the-counter medication to school only with permission from parents/guardians and with the authorization and supervision of their health care provider and school administrator or administrator's designee. Prescribed or over-the-counter medication is for the student's use only. A student must not sell or give prescribed or over-the-counter medication to anyone at school.</p>				X		
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## XII. REMOVAL OF STUDENTS FROM CLASS

### 1. Purpose

The purpose of this section is to provide the grounds and procedures for removal of pupils from class.

### 2. Definitions

- a. "Removal from class" and "removal" mean any actions taken by a teacher, administrator, or other school employee to prohibit a pupil from attending class for a period of time not to exceed that which is pursuant to procedures established in this policy.
- b. "Class period" or "activity period" means, in grades PreK-6, a period of time not to exceed one hour, regardless of the subject of instruction.

### 3. Procedures

#### a. Grounds for Removal

- Conduct that substantially disrupts the rights of others to an education.
- Conduct that endangers School District employees, the pupil or other pupils, or the property of the school.

- Violation of any other rule of conduct established by the School Board as constituting grounds for removal.

b. Authority of the Classroom Teacher

The authority to remove a student from class under the provisions and limitations of this section will rest with the classroom teacher. The teacher may request the removal of a student from class for violations of any conditions listed above.

c. Procedure for Removal

If removal is for part of one class period simply to provide the student with some time to avoid problems or to provide a clear warning of serious consequences, the formal procedures of this section need not be followed. If, however, the removal is for an entire period or more, up to a limit of three periods, the following procedures must be observed:

- Students must be sent to a designated area, the Student Practice Area, or another area clearly designated by the school director. The Student Support Coordinator or designee will provide custodial care of the student and will assure that the policies and procedures included in this section are observed.
- The teacher will provide the Student Support Coordinator or designee with the following information:
  - Specific grounds for removal;
  - Any request for administrative support;
- The teacher may provide the student, and the student's parent(s) or guardian with the following information:
  - Specific grounds for removal;
  - Length of period of removal from class;

- Whenever possible, class assignments for the days following the first day of removal.
- d. Because removal from class is a serious consequence for rule violation, it should not be taken lightly by any of the parties involved. Teachers are encouraged to try other strategies to deal with discipline problems before they reach the point where removal from class is necessary.
- e. In any given referral, if the School Director or their designee feels the violation is serious enough, a student may be suspended from all classes under the provisions of the Pupil Fair Dismissal Act.
- f. Short term emergency suspensions may be imposed on special education students. Normal procedures may be implemented with students who are endangering themselves or others. Removal from class must not be in violation of conditions specified in the Individual with Disabilities Education Act.

### XIII. SPECIAL EDUCATION REMOVAL

1. Suspension, expulsion and exclusion
  - a. The Pupil Fair Dismissal Act will apply to all students.
  - b. Team meeting required. A team meeting will be held prior to exclusion or expulsion of a pupil. A team meeting will be held within five (5) days of a pupil being placed on either out-of-school or in-school suspension status. The team will:
    - Determine whether the misconduct is related to the disability;
    - Review any assessments and determine the need for further assessment; and
    - Review the IEP.(Individual Educational Plan) and potentially amend the goals and objectives to develop alternative IEP plans.
2. Exclusion and Expulsion. A pupil may be placed through a team meeting and the IEP in a more restrictive environment but will not be excluded or expelled when the misconduct is related to the pupil's disability. When it is determined in a team meeting

or a Pupil Fair Dismissal Act proceeding that a pupil's misconduct is related to the pupil's disability, then the assessment, IEP, and least restrictive environment will be reviewed.

#### XIV. 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 provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

B. Disciplinary Dismissals Prohibited

A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:

- 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
- kindergarten through Grade 3.
  - a. This section does not apply to a 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.

C. 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 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.

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 will provide the School 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 maybe provided in federal law for a child with a disability.
2. 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 legal 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.

3. Each written notice of suspension may include a readmission plan, which may include a meeting between school administration and the parents and/or student, or which may include additional components as deemed appropriate by school administration. 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 medication 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.
4. In the case of a student with a disability, the IEP team will 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 IEP team will, at the meeting, conduct a review of the relationship between the child's disability and the behavior subject to disciplinary action, and determine the appropriateness of the child's education plan. The requirements of the IEP team meeting apply when: (1) the parent requests a meeting; (2) the student is removed from the student's current placement for five (5) or more consecutive days; or (3) the student's total days of removal from the student's placement during the school year exceed ten (10) cumulative days in a school year. The school administration will implement alternative educational services when the suspension exceeds five (5) days. A separate administrative conference will be conducted for each period of suspension.

5. 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.
6. 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.
7. 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.
8. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
9. 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/legal guardian

within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.

10. 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) 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/legal 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/legal 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 alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent/legal 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 shall advise the student's parent/legal 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).

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/legal guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent/legal guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school shall record the hearing proceedings at its 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 shall advise the student's parent/legal guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. 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/legal 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 an independent hearing officer 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 will have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent/legal guardian, or authorized representative will 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/legal guardian, or authorized representative, will 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/legal guardian, or authorized representative, will 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 will 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 will base its decision upon the findings and recommendation of the hearing officer, and will 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 hearing officer's findings and recommendation 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/legal guardian by mail of the student's right to attend and to be reinstated in the school.

#### XV. ADMISSION OR READMISSION PLAN

A school administrator will prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require 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/legal guardians to provide psychotropic drugs for their child as a condition of readmission.

#### XVII. 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, School Director or other school official may provide additional notification as deemed appropriate.

## XVIII. STUDENT DISCIPLINE RECORDS

The policy of the school is 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 Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

## XIX. SPECIAL EDUCATION STUDENTS

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.

Where a student is dismissed for five (5) or more consecutive days, or has accumulated more than ten (10) days of dismissal over the course of the school year, the school will convene a meeting to determine whether the student's educational program is appropriate and to review all relevant information in order to determine whether the behavior subject to discipline is a manifestation of the student's disability. Such a meeting must be held within ten (10) school days of the school's decision to remove the student from his or her current educational placement and must be held before commencing an expulsion or exclusion of the student. 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 will 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. If the student was placed in a 45-day interim alternative educational setting pending the manifestation determination, the student will be returned to the placement from which the student was removed unless the student and school agree to a change of placement as part of the modification of the behavioral intervention plan.

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 will continue to provide special education and related services during the period of expulsion or exclusion.

## XX. DISTRIBUTION OF POLICY

The school will notify students and parents/legal guardians of the existence and contents of this policy in such manner as it deems appropriate. This policy shall also be available on our school website.

## XXI. REVIEW OF POLICY

The School Director and representatives of parents/legal guardians, students and staff in the school shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the policy committee for consideration by the school board, which shall conduct an annual review of this policy.

*Approved: 8/16/2016*

*Revised: Fall 2025*