

V. DISTRICT POLICY 506

Book	Rochester Public Schools Policies
Section	500 - STUDENTS
Title	Student Discipline
Number	506
Status	Active
Legal	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.40 to 121A.56 (Pupil Fair Dismissal Act) Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension) Minn. Stat. §§ 121A.582 (Reasonable Force) Minn. Stat. §§ 121A.60 to 121A.61 (Removal From Class) Minn. Stat. § 122A.42 (General Control of Schools) Minn. Stat. § 123A.05 (Area Learning Center Organization) Minn. Stat. § 124D.03 (Enrollment Options Program) Minn. Stat. § 124D.08 (Enrollment in Nonresident District) Minn. Stat. Ch.125A (Students With Disabilities) Minn. Stat. Ch. 260A (Truancy) Minn. Stat. Ch. 260C (Juvenile Court Act) 20 U.S.C. 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004) 29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504) 34 C.F.R. § 300.530(e)(1) (Manifestation Determination)
Cross References	102 - Equal Educational Opportunity 413 - Harassment and Violence 417 - Chemical Use and Abuse 418 - Drug-Free Workplace/Drug-Free Schools 419 - Tobacco-Free Environment: Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices 501 - Weapons Prohibition 502 - Search of Student Lockers, Desks, Personal Possessions, and Student's Person 503 - Student Attendance 504 - Student Dress and Appearance 505 - Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees 510 - School Activities 514 - Bullying Prohibition 515 NEW - Protection and Privacy of Pupil Records 516 - Student Medication 518 - DNR-DNI Orders 520 - Student Surveys 521 - Student Disability Nondiscrimination

<u>522 - Student Sex Nondiscrimination</u>
<u>524 - Internet Acceptable Use and Safety Policy</u>
<u>526 - Hazing Prohibition</u>
<u>527 - Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches</u>
<u>528 - Student, Parental, Family, and Marital Status Nondiscrimination</u>
<u>530 - Immunization Requirements</u>
<u>531 - The Pledge of Allegiance</u>
<u>533 - Wellness</u>
<u>550 - Student Medical Emergency</u>
<u>610 - Field Trips</u>
<u>707 - Transportation of Public School Students</u>
<u>709 - Student Transportation Safety</u>
<u>711 - Video Recording on School Buses</u>
<u>712 - Video Surveillance Other than on Buses</u>
<u>806 - Crisis Management</u>
<u>903 - Visitors to School District Buildings and Sites</u>

Adopted	March 23, 2004
Last Revised	April 27, 2021
Last Reviewed	March 7, 2021

I. PURPOSE

All students have the right to obtain an education and the right to learn. The purpose of this policy is to set forth the School Board’s expectations for student behavior and to set forth procedures for the Superintendent and School District administration to establish guidelines for the manner in which the expectations outlined in this policy will be enforced.

II. GENERAL STATEMENT OF POLICY

The School Board recognizes that appropriate school behavior is critical to academic success, to establishing a safe and effective learning environment for all students, and to assure a safe and orderly working environment for School District personnel. This policy and all guidelines established by School District administration pursuant to this policy are intended to accomplish the following policy objectives:

1. The School Board is committed to providing a safe and supportive learning environment for all students and to ensuring that students’ learning is not disrupted by the behavior of other students.
2. The School Board is committed to fostering a safe and supportive working environment for School District personnel.
3. The School Board recognizes the negative impact caused by lost student instruction time due to removals from class and strives to minimize such removals when other interventions are an effective means to address student behavior.
4. The School Board is committed to employing Positive Behavior Intervention and Supports (“PBIS”) strategies within the School District’s schools in an effort to teach students appropriate behavior through instruction, practice, feedback, and encouragement.

III. AREAS OF RESPONSIBILITY

1. **The School Board:** The School Board is responsible for establishing the policies of the School District, including this policy governing student behavior.
2. **Superintendent:** The Superintendent must establish guidelines and directives to carry out this policy, hold all School District personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The Superintendent must also establish guidelines and directives for using the services of appropriate third parties for assisting students and parents with behavior issues. The Superintendent may appoint another administrator or group of administrators to act as the Superintendent's designee for assisting with the establishment of guidelines and directives necessary to carry out this policy.
 1. **Executive Director of Student Support Services:** The Executive Director of Student Support Services is responsible for working with the Superintendent to develop and disseminate procedures for referring, where appropriate, a child in need of special education services to appropriate services as a result of behavioral issues and for considering whether there is a need for further assessment or a review of the adequacy of a current individualized education program when a student with a disability is removed from class.
 2. **Principals:** Principals are responsible for formulating building rules and regulations outlining expectations for student behavior, consistent with and subject to the provisions of this policy and any direction provided by the Superintendent or the Superintendent's designee. Principals must provide direction and support to all school personnel performing their duties within the framework of this policy and any guidelines and directives established by an administrator pursuant to this policy.
 3. **Teachers:** All teachers are responsible for providing a well-planned learning environment and have primary responsibility for enforcing this policy in the classroom, consistent with any guidelines and directives established by an administrator pursuant to this policy.
 4. **Other School District Personnel:** All School District personnel are expected to serve as a positive role model for students and to demonstrate positive behaviors at all times. School District personnel, other than administrators and teachers, will perform responsibilities related to student behavior as assigned by a supervisor.
 5. **Parents or Legal Guardians:** Parents and guardians are expected to cooperate with School District personnel with respect to the teaching of behavior expectations and the implementation of interventions designed to address behavior issues.

6. **Students:** Students are expected to conduct themselves in accordance with this policy and any guidelines and directives implemented pursuant to this policy.

IV. 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 pursue and attempt 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 District'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 District 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.

V. CODE OF STUDENT CONDUCT

The School Board considers the following behaviors to be unacceptable behaviors that may be subject to disciplinary action:

1. Acts of dishonesty.
2. Any criminal activity or violation of the law.
3. Attendance issues, including failing to attend class, tardiness, and leaving class without permission
4. Cheating and plagiarism.
5. Damage to or misuse of property, including the misuse of technology or use of technology in a way that causes property damage.
6. Failing to follow the instructions of an administrator, teacher, or other School District representative.
7. Gang activity.
8. Inappropriate physical contact with another person, as well as acts of physical aggression, fighting, horseplay and play fighting.

9. Possession, distribution, or use of alcohol, drugs, and tobacco (including look alike substances and synthetic substances) or paraphernalia.
10. Possession of weapons (as defined in School Board Policy 501), explosives, incendiary devices, or any type of combustible substances.
11. Substantially interrupting the learning environment.
12. Sexual misconduct and sexual assault.
13. Theft.
14. Threats of violence.
15. Trespassing.
16. Using language that is not appropriate in a school setting or possessing materials containing language that is not appropriate in a school setting. Inappropriate language includes abusive, profane, obscene, or threatening language. Inappropriate language also includes language that constitutes cyberbullying, bullying, discrimination, harassment, or hazing. Teasing and name-calling may also be considered inappropriate language.
17. Violations of other School Board Policies setting forth expectations for student behavior, including:
 - a. School Board Policy 102, Equal Educational Opportunity.
 - b. School Board Policy 413, Harassment and Violence.
 - c. Board Policy 417, Chemical Use and Abuse.
 - d. School Board Policy 418, Drug-Free Environment: Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices
 - e. School Board Policy 419, Tobacco-Free Environment: Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices
 - f. School Board Policy 501, Weapons Prohibition.
 - g. School Board Policy 502, Search of Student Lockers, Desks, Personal Possessions, and Student's Person.
 - h. School Board Policy 503, Student Attendance.
 - i. School Board Policy 504, Student Dress and Appearance.
 - j. School Board Policy 505, Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees.
 - k. School Board Policy 510, School Activities.
 - l. School Board Policy 514, Bullying Prohibition.
 - m. School Board Policy 515, Protection and Privacy of Pupil Records.
 - n. School Board Policy 516, Student Medication.
 - o. School Board Policy 518, DNR-DNI Orders.
 - p. School Board Policy 520, Student Surveys.
 - q. School Board Policy 521, Student Disability nondiscrimination.
 - r. School Board Policy 522, Student Sex Nondiscrimination.
 - s. School Board Policy 524, Internet Acceptable Use and Safety Policy.
 - t. School Board Policy 526, Hazing Prohibition.
 - u. School Board Policy 527, Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches.
 - v. School Board Policy 528, Student Parental, Family, and Marital Status Nondiscrimination.
 - w. School Board Policy 530, Immunization Requirements.
 - x. School Board Policy 531, Pledge of Allegiance.
 - y. School Board Policy 533, Wellness.
 - z. School Board Policy 550, Student Medical Emergency.

- aa. School Board Policy 707, Transportation of Public School Students.
- bb. School Board Policy 709, Student Transportation Safety.
- cc. School Board Policy 806, Crisis Management.
- dd. School Board Policy 903, Visitors to School District Buildings and Sites.

The Superintendent is responsible for overseeing the creation of a student behavior handbook that will be annually distributed to students, families, and School District personnel. One of the purposes of the handbook is to provide further guidance as to how the School District defines and addresses the behaviors outlined above.

The School Board delegates to the Superintendent the authority to create definitions of the types of behaviors that may result in disciplinary action, consistent with this policy and other applicable School Board Policies. The School Board also delegates to the Superintendent the authority to classify behaviors in a manner that best facilitates the School District's ability to compile and review data related to disciplinary incidents for purposes of evaluating the effectiveness of the School District's disciplinary practices and identifying trends related to instances of student discipline.

Notwithstanding the behaviors specifically outlined above, the School Board reserves the right for the School Board and administrators to impose discipline any time a student's behavior falls within one or more of the following categories of misconduct:

1. Willful violation of any School Board regulation. Such regulation must be clear and definite to provide notice to students that they must conform their conduct to its requirements;
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 District employees, or the property of the school.

VI. INTERVENTIONS FOR VIOLATIONS OF CODE OF CONDUCT

The School Board delegates to the Superintendent and the School District's administration the authority to provide specific guidance to School District personnel, students, and families as to interventions that may be utilized in response to instances in which a student demonstrates inappropriate behavior, subject to the following conditions:

1. The Superintendent must establish appropriate procedures for the collection and review of disciplinary data to ensure that the School District is consistently employing behavior interventions in a fair and equitable manner for all students.
2. Reasonable measures must be implemented to notify students and parents or guardians of behavior that violates this policy and to encourage early involvement of parents or guardians in efforts to improve a student's behavior.
3. The policy of the School District is to minimize instances in which students lose instruction time as a result of being removed from the classroom. Any instance in which a student is removed from class must conform to the requirements of Section VII below. The Superintendent's guidance must be designed to accomplish this objective by specifying which types of behaviors must be addressed without an office referral or removing a student from class.

4. The Superintendent and all principals must ensure that all out-of-school suspensions, expulsions, and exclusions are imposed in accordance with the specific requirements of the Pupil Fair Dismissal Act (Minn. Stat. § 121A.40 et seq.), as well as other applicable laws governing discipline procedures for students with disabilities. Hearings in cases involving an expulsion or exclusion will be conducted before an independent hearing officer. In addition, the Superintendent is responsible for providing guidance to principals as to the circumstances in which an out-of-school suspension will be imposed. All instances in which a student is proposed for expulsion or exclusion in accordance with the Pupil Fair Dismissal Act must be approved by the Superintendent before the School District initiates the process of expelling or excluding the student pursuant to the Pupil Fair Dismissal Act.
5. In situations where a student is suspended, expelled, excluded, placed in an alternative disciplinary setting, or incarcerated as a direct result of the School District's referral of the student to law enforcement, the School District must offer the student an opportunity to participate in a readmission conference before the student transitions back into the regular school community. During the readmission conference, School District personnel will consider whether it would be appropriate to develop a readmission plan, which may include the provision of alternative educational services.
6. The Superintendent's guidance must set forth appropriate standards for progressive discipline and may allow School District personnel to deviate from such standards under circumstances in which School District personnel conclude progressive discipline would not be effective.
7. The School Board reserves for the School District the right to suspend, expel, or exclude a student upon any one of the following statutory grounds:
 - a. Willful violation of any school board regulation. Such regulation must be clear and definite to provide notice to students that they must conform their conduct to its requirements;
 - b. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
 - c. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.
8. A teacher or principal, in exercising the person's 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. Other school employees, school bus drivers, or other agents of the School District, in exercising the person's 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.

VII. REMOVAL OF STUDENTS FROM CLASS

The School Board expects that teachers will manage student behaviors in the classroom wherever possible. However, the School Board also recognizes that some behavioral issues must be addressed outside of the classroom. All School District personnel must comply with the following requirements governing the removal of students from the classroom:

1. A “removal from class” or “removal” means any action taken by a teacher, principal, or other School District representative to prohibit a student from attending a class or activity period. A class or activity period means the period of instruction for a specific course of study.
2. Consistent with the requirements of Minnesota Statutes section 121A.61, the School Board establishes the following grounds which a student may be removed from the classroom for inappropriate behavior:
 - a. 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;
 - b. Willful conduct that endangers surrounding persons, including School District employees, the student or other students, or the property of the school;
 - c. Willful violation of any rule of conduct specified in the discipline policy adopted by the Board; and
 - d. Other special circumstances in which a student’s presence in the classroom would result in a risk of harm to persons or property or significantly disrupt the educational environment in the classroom.
 - e. The Superintendent or the Superintendent’s designee is responsible for providing additional guidance to School District personnel, students, and families as to the specific types of offenses that will justify removing a student from class under the grounds set forth above.
3. A student must be removed from class immediately if the student engages in assault or violent behavior. An “assault” is (1) an act done with intent to cause fear in another of immediate bodily harm or death; or (2) the intentional infliction of or attempt to inflict bodily harm upon another. The removal in instances of assault or violent behavior will be for the time period deemed appropriate by the building principal, in consultation with the classroom teacher.
4. Teachers are responsible for maintaining general control of the classroom. Teachers have the authority to remove students from class pursuant to the procedures established by this policy and any additional guidance provided by the Superintendent or the Superintendent’s designee.
5. When a student is removed from class, the removal must be for the minimum time period necessary to prevent the student from disrupting the rights of others to an education or from endangering persons or property. By law, a student may not be removed from class for a period that exceeds five class periods for a violation of a rule of conduct unless the student is suspended, expelled, or excluded in accordance with the provisions of the Pupil Fair Dismissal Act.
6. When a student is removed from class, the principal or the principal’s designee is responsible for supervising the student during the removal period. When the removal period expires, the principal or the principal’s designee is responsible for working with the classroom teacher to ensure the student is able to transition back into the classroom environment without unnecessary loss of instructional time.
7. A student’s parent or guardian must be notified whenever a student is removed from class. Pursuant to Minnesota law, the teacher and principal must schedule a meeting with the student’s parent or guardian to discuss the problem that is causing the student to be removed from class if a student is removed from class more than ten times in one school year. This meeting requirement is a minimum requirement and the Superintendent has

the authority to require a parent or guardian meeting before a student is removed from class ten times in one school year.

VIII. OPEN ENROLLED STUDENTS

In addition to the grounds set forth in the Pupil Fair Dismissal Act, the School District may terminate the enrollment of a nonresident student enrolled under the provisions of Minnesota Statutes sections 124D.03 or 124D.08 at the end of a school year if the student meets the definition of a habitual truant under Minnesota Statutes section 260C.007, subdivision 19 and the student has been provided appropriate services under chapter 260A of the Minnesota Statutes, and the student's case has been referred to juvenile court. A district may also terminate the enrollment of a nonresident student over the age of 17 enrolled under Minnesota Statutes section 124D.03 if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under Minnesota Statutes section 120A.22, subdivision 8.

IX. STUDENT DISCIPLINE RECORDS

The School District must maintain complete and accurate student discipline records. The collection, dissemination, and maintenance of student discipline records must be consistent with School Board Policy 515, Protection and Privacy of Pupil Records.

X. DISTRIBUTION OF POLICY

A summary of this policy will be printed in the Student Handbook which is distributed to all students and staff at the beginning of each school year. This policy will also be available on the District website and upon request in each principal's office and the Superintendent's Office.

XI. REVIEW OF POLICY

The Superintendent is responsible for implementing a procedure for the annual review of this policy. The review procedure will provide opportunities for personnel at each site, as well as representatives of students and families, to provide input as to whether this policy is working as intended, whether it is being properly enforced, and whether it should be revised in any way.