



**DISTRICT196**  
One District. Infinite Possibilities.

**2019-20 School Year**

# **OVERVIEW OF STUDENT RIGHTS & RESPONSIBILITIES**

This handbook is available online at:  
Este manual está disponible en línea en:  
Buugan waxaa la heli karaa barta internetka ee:  
**[www.District196.org/parents](http://www.District196.org/parents)**

[www.District196.org](http://www.District196.org)

August 2019

Dear District 196 Parents and Guardians:

Welcome to the 2019-20 school year! To help provide a safe and productive learning environment for students, staff, parents and visitors, the school district publishes this updated handbook annually to explain student rights, responsibilities and consequences for misbehavior. Important information about free or reduced-priced school meals can be found in the center of the handbook.

Please take a few minutes to familiarize yourself with the information in the Overview of Student Rights and Responsibilities handbook, discuss it with your school-aged children and keep it to reference as necessary during the school year. Teachers will briefly review this handbook with students at the beginning of the school year.

Some of the key additions and revisions in this issue of the handbook include:

- Updates to District 196's designated Human Rights Officers (p. 3);
- Updates to District 196's processes concerning student surveys (p. 8);
- The inclusion of information about the importance of good attendance (p. 10);
- Greater emphasis on support for students encountering behavioral challenges (p. 12);
- The inclusion of a reference to multidisciplinary threat assessment teams (p. 13);
- Revised disciplinary consequences and/or definitions for certain offenses including, aggravated assault, lewd behavior, sexual violence and tobacco and E-cigarettes (pps. 15, 21, 23-25).

Thank you for taking time to become familiar with the important information in this handbook. If you have any questions, please contact your school principal.

Best wishes for an enjoyable and successful school year! Sincerely,



Mary Kregger  
Superintendent

**Para tener acceso a la versión de este manual en español vayan a:**  
**[www.district196.org/handbook](http://www.district196.org/handbook). Si usted habla español y tiene**  
**preguntas, favor de llamar al teléfono (952)431-8993. Durante el**  
**verano, llama al 651-423-7916.**

**HADDI ADD SOMAAALI TAHAY OO AAD QABTID WAX SUAAL**  
**AH FADLAN LA SOO XIRIIR FAISAL MADAR (952)769-7625**

**If you speak (Spanish/Somali/Arabic) and have questions, call... .**

إذا كنت تتكلم اللغة العربية و  
كانت لديك أسئلة حول المدرسة  
الرجاء الاتصال بفaisal Madar (952)769-7625  
و رقمه 769-7625 (952)

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## About This Handbook

*This handbook includes an overview of District 196 policies, regulations and procedures about student rights and responsibilities. Those documents are periodically updated in response to changes in the law and other circumstances. Therefore, there may have been changes to the documents reviewed in this handbook since the handbook was printed in summer 2019. If you have questions or would like more information about a specific issue, contact your school principal.*

## ***Student Rights***

The School Board recognizes that students are entitled to the civil liberties guaranteed all citizens. One of the primary goals of public education is to prepare students to successfully complete the transition from school into the general society in which they will live and to accept the responsibility commensurate with the rights and privileges that they have and those they will assume.

The district shall provide an environment in which students may exercise the rights and privileges of the society in which they live, with its proportional amount of responsibility.

Students have the right to freely express ideas, verbally or in writing, within their school program. Responsible criticism and reasonable dissent are basic to the educational process. However, false statements, disruptive activities, threats, the use of obscenities, profanity or ridicule, and advocating violation of the law or school rules and regulations are unacceptable means of expression.

Students have the right to be safe and free from threatening situations on school property, at school activities and in district vehicles.

### ***Prohibition of Harassment, Discrimination (Including Sex Discrimination Under Title IX), Violence or Hazing***

#### ***Policy***

District 196 is committed to maintaining an educational and employment environment that is free from harassment, discrimination, violence or hazing. District 196 prohibits any form of harassment, discrimination, violence or hazing, as these terms are defined herein.

It is a violation of this policy for any District 196 student, staff or third party to harass an employee, student, visitor or other person through conduct or communication of a sexual nature or regarding sex, race, religion, color, creed, national origin, marital status, familial status,\* disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission,\* age or genetic information,\* as defined by this policy and supporting administrative regulations.

It is a violation of this policy for any District 196 student, staff or third party to inflict, threaten to inflict or attempt to inflict violence based on sex, race, religion, color, creed, national origin, marital status, familial status,\* disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission,\* age or genetic information,\* upon any employee, student, visitor or other person.

It shall be a violation of this policy for any District 196 student, staff or third party to plan, direct, encourage, aid or engage in hazing. It will also be a violation of this policy for any staff to condone or fail to report any hazing.

It shall be a violation of this policy for any District 196 student, staff or third party to engage in discrimination based on sex, race, religion, color, creed, national origin, marital status, familial status,\* disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission,\* age or genetic information,\* upon any employee, student, visitor or other person.

District 196 shall comply with state and federal laws prohibiting discrimination, including Title IX of the Educational Amendments of 1972, Title VI and VII of

the Civil Rights Act of 1964, the Age Discrimination Act in the Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1991, the Genetic Information Nondiscrimination Act of 2008 and the Minnesota Human Rights Act. Copies of these laws are available for no charge in each district building and on the district website.

No person protected by these laws shall, on the grounds of sex, race, religion, color, creed, national origin, marital status, familial status,\* disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission,\* age or genetic information\* be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in employment or under any educational program or activity operated by the district.

The district will act to investigate all complaints, either formal or informal, verbal or written, of harassment, discrimination, violence or hazing, and to discipline or take appropriate action against any employee, student or other district personnel who is found to have violated this policy.

Employees and students are responsible for reporting any evidence of discrimination, harassment, violence or hazing on the basis of sex, race, religion, color, creed, national origin, marital status, familial status,\* disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission,\* age or genetic information\* in the district. The district has developed regulations appointing appropriate staff persons to whom reports shall be made. Appropriate action may be taken against all who fail to report instances of discrimination, harassment, violence or hazing.

This policy does not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, or Equal Employment Opportunity Commission (EEOC), filing a complaint with the Office for Civil Rights (OCR), initiating civil action or seeking redress under state criminal statutes and/or federal law.

District 196 has written procedures for reporting and investigating all complaints of harassment, discrimination, violence or hazing, which provide for appropriate disciplinary action based on results of the investigation and shall communicate these procedures to district personnel and students. Complete grievance procedures can be found in Administrative Regulations 405.7AR and 503.4AR, Harassment Discrimination, Violence or Hazing.

*(continued on next page)*

The district has appointed Human Rights Officers who are charged with receiving, investigating and working to remedy complaints of harassment, discrimination, violence or hazing. Among other things, they are responsible for coordinating the district's compliance with applicable discrimination laws, which includes overseeing Title IX complaints relating to sex discrimination and identifying and addressing any problems that arise during the review of such complaints.

The district shall discipline or take appropriate action against any student or district personnel who retaliates against any person who reports alleged harassment, discrimination, violence or hazing, or who testifies, participates in or assists in an investigation, proceeding or hearing relating to such harassment, discrimination, violence or hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

### **Definitions**

**Sexual Harassment** – Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical conduct, other verbal or physical conduct or communication of a sexual nature, including communication accomplished through the use of technology, including sexting and some forms of cyberbullying when (a) submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment, public services or education; or (b) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public services or education; or (c) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public services or education, or creating an intimidating, hostile or offensive employment, public services or educational environment.

**Violence** – For purposes of this policy, violence is a physical act of aggression or force or the threat of aggression or force that is based upon that person's sex, race, religion, color, creed, national origin, marital status, familial status\*, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission,\* age or genetic information.\* It includes sexual violence prohibited by District Regulation 503.3AR, Student Behavior Expectations and Consequences for Misbehavior. Violence may include threats communicated through use of technology, including some forms of cyberbullying.

**Harassment based on sex, race, religion, color, creed, national origin, marital status, familial status,\* disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission,\* age, or genetic information\*** consists of physical or verbal conduct or communication, including electronic communication, that is demeaning or hostile to an individual's status related to one or more of the categories listed above when: (a) submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment, public services or education; or b) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public services or education; or c) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public services or education, or creating an intimidating, hostile or offensive employment, public services or educational environment.

**Hazing** – Hazing means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person

in order for the student to be initiated into or affiliated with a student organization. Hazing may occur on or off school property and during or outside of school hours.

**Discrimination** – Discrimination means to segregate or separate on the basis of an individual's sex, race, religion, color, creed, national origin, marital status, familial status,\* disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission,\* age or genetic information,\* except where authorized by law. Discrimination includes the following: to exclude from admission, to deny access to or participation in or the benefits of programs or activities, including vocational opportunities or to otherwise subject to discrimination in employment or in any educational program or activity operated by the district.

\*Asterisked categories are limited to employment-related discrimination and harassment.

### **District 196 Nondiscrimination Notice**

District 196 does not discriminate in employment or in any of its programs and activities, including vocational opportunities, on the basis of sex, race, religion, color, creed, national origin, marital status, familial status,\* disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission,\* age or genetic information.\* District 196 provides equal access to designated youth groups.

The Director of Human Resources, Tom Pederstuen (651-423-7859 – tom.pederstuen@district196.org) has been designated to respond to employment-related inquiries regarding the non-discrimination policies. The Director of Elementary Education, Sally Soliday (651-423-7782 – sally.soliday@district196.org) and the Director of Secondary Education, Michael Bolsoni (651-423-7712 – michael.bolsoni@district196.org) have been designated to respond to student-related inquiries regarding the non-discrimination policies. The Director of Special Education, Janet Fimmen (651-423-7629 – janet.fimmen@district196.org) has been designated to respond to inquiries concerning the rights of a student with a disability. The mailing address for all directors is 3455 153rd Street W, Rosemount, MN 55068.

\*Asterisked categories are limited to employment-related discrimination and harassment.

### **Nondiscrimination in Vocational Opportunities**

All vocational opportunities offered by the school district will be offered in a nondiscriminatory manner. A summary of program offerings and admission criteria can be found in high school student registration guides. District 196 will take steps to assure that English language skills will not be a barrier to admission and participation in vocational programs.

*(continued on next page)*



## ***Safe and Supportive Minnesota Schools***

Students have the right to be safe and free from threatening situations on school property, at school activities and in district vehicles. Bullying interferes with students' ability to learn and teachers' ability to educate students in a safe environment. To the extent bullying affects the educational environment of the schools, it is the school district's intent to prevent bullying from occurring, and to investigate and respond to bullying that has not been prevented.

The Safe and Supportive Minnesota Schools Act defines bullying as intimidating, threatening, abusive or harming conduct that is objectively offensive and 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 materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services or privileges.

The Act defines cyberbullying as using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone or other electronic device.

Bullying behavior should be reported to a staff member. The district's processes for reporting and responding to bullying behavior can be found on the district website. For Administrative Regulation 503.8AR, Bullying Prohibition, go to <http://www.district196.org/district/schoolboard/policies/500/503.8AR.pdf>. For Procedure 503.8P, Report of Bullying Behavior, go to <http://www.district196.org/district/schoolboard/policies/500/503.8P.pdf>.

## ***Special Education Services for Students***

In accordance with state and federal mandates, District 196 seeks out, evaluates and serves students with disabilities. District staff use a comprehensive child study process to systematically screen, evaluate and place students in special education services from ages birth-21.

Students are entitled to a free appropriate public education in the "least restrictive environment" (usually the school the child would attend if the child did not have a disability).

You may request a copy of the *Notice of Procedural Safeguards* from your principal or download it from the Minnesota Department of Education: <http://education.state.mn.us/mde/dse/sped/proc/>.

## ***Section 504 Process for Students***

Section 504 is a federal law which prohibits discrimination against persons with a disabling condition in any program receiving federal financial assistance.

The law defines a person with a disabling condition as anyone who:

- Has a mental or physical impairment, which substantially limits one or more major life activities;
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

The district has specific responsibilities under the act, which include identifying, reviewing and, if the child is determined to be eligible, developing and implementing a 504 plan providing regular or special education and related aids and services.

## ***Suspected Maltreatment of Minors and Vulnerable Adults***

School staff members are required to report suspected maltreatment of minors and vulnerable adults. For minors, a report must be made when the individual knows or has reason to believe a child is being or has within the past three years been neglected or abused. A full definition of what constitutes abuse or neglect is found in Minnesota Statute 626.556 but includes physical or sexual abuse, neglect, emotional maltreatment, mental injury, threatened injury, prenatal exposure to controlled substance; suspected neglect or abuse within the past three years, kidnapping or depriving another of custodial or parental rights. For vulnerable adults, a report must be made when the individual knows or has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained. Under Minnesota Statute 626.5572, the definition of "vulnerable adult" generally includes individuals 18 years of age or older who possess a mental, physical or emotional impairment limiting their ability to provide adequately for their own care without assistance or their ability to protect themselves from maltreatment. The statute also defines maltreatment of vulnerable adults to include, among other things, physical or sexual abuse, neglect or financial exploitation. Any person who is required to report suspected maltreatment and who fails to do so may be guilty of a crime. At the same time, any person who reports suspected maltreatment in good faith is immune from civil or criminal liability and may not be retaliated against.

The principal, teacher, school nurse and/or other staff who report suspected maltreatment may discuss the situation with the alleged victim and emphasize that the school is not interested in accusing or punishing anyone, but rather is interested in helping ensure that the maltreatment does not continue.

When the alleged victim is a minor, upon receiving information of suspected maltreatment, employees must call the proper authorities within 24 hours and make a written report within 72 hours. In case of suspected maltreatment in school, the proper authority to contact is the Division of Compliance and Assistance of the Minnesota Department of Education (651-582-8546). In case of suspected maltreatment outside the school setting, the proper authority to contact is Child Protection Intake of Dakota County Social Services (952-891-7459) and/or the local law enforcement agency.

When the alleged victim is a vulnerable adult, upon receiving information of suspected maltreatment, a report must be made within 24 hours to the Minnesota Adult Abuse Reporting Center (1-844-880-1574).

Employees who suspect maltreatment should consult with the appropriate principal or supervisor and may consult with the school district attorney. Such consultation does not obviate the responsibility to report when warranted.

## ***Minnesota Health Care Programs***

Minnesota offers health care through publicly funded health care programs to people who qualify and meet the program guidelines within income and asset limits. Available programs include Medical Assistance (MA) and MinnesotaCare. Minnesota's health care programs may cover the following medical services: doctor assistance, dental visits, hospital care, prescriptions and immunizations, eye exams and eye glasses, chiropractic care, hearing aids, mental health services, and medical equipment and supplies.

Applications for Minnesota Health Care Programs are available at [www.mnsure.org](http://www.mnsure.org). Information shared with the school district will be kept private and will only be used as permitted by law.

For more information about Minnesota's Health Care Programs or for assistance filling out an application, please contact:

- The Minnesota Department of Human Services at 651-431-2670, and/or
- MNSure at 1-855-366-7873 (1-855-3MNSURE)

## ***Student Interviews with Social Services and Law Enforcement Officials***

### ***In Cases Involving Child Abuse or Neglect . . .***

Each local social services and law enforcement agency has specific statutory authority to interview at school, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator.

When a local social services or law enforcement agency determines that an interview should take place on school property, written notification must be received by school officials before the interview.

Such notification shall include the name of the child to be interviewed, the purpose of the interview and a reference to the statutory authority to conduct an interview on school property. If the interview is to be conducted by the local social services agency, the notification shall be signed by the Dakota County Social Services director or his or her designee.

The time, place and manner of the interview on school premises shall be within the discretion of the school administrator, but any such conditions must be reasonable and the interview must be conducted not more than 24 hours after receipt of the notification unless another time is agreed to between district officials and the local social services or law enforcement agency. Every effort shall be made to reduce disruption of the child's educational program, other students and school staff when an interview is conducted on school premises.

Interviews with students during school hours by county social services officials must follow these guidelines:

- Investigating officers must remain in the administration office;
- The educational program of the student must not be disrupted by calling him or her out of class or making him or her miss class, unless such an interruption is unavoidable;
- The interview must be conducted in a private room or area where confidentiality can be maintained;

- The local social services or law enforcement agency shall determine the people who may attend the interview, and
- District personnel should take no action in the investigative process.

School officials may not disclose to the child's parent, legal custodian or guardian the contents of the interview notification or any other related information regarding the interview until notified in writing by the local social services or law enforcement agency that the investigation or assessment has been concluded.

### ***In Cases Other Than Those Involving Child Abuse or Neglect . . .***

When a local social services and/or law enforcement agency gives notice of intention to conduct an interview on school property in connection with an investigation into alleged child abuse under the terms of state law, the district must cooperate. The district has no power to refuse to allow the interview to take place, to determine who will attend the interview or to determine who will be informed about the interview.

Other than in connection with an investigation into alleged child abuse, as described above, the administration will grant permission to social service officials to interview students only when the interview is to be held in a closed room away from the view of students and adults, and when prior permission has been received from the student's parent or guardian for the interview.

Other than in connection with an investigation into alleged child abuse, the administration will grant permission to law enforcement officials to interview a student regarding his or her alleged misbehavior or the alleged misbehavior of others on school grounds and/or during the school day only when the interview is to be held in a closed room away from the view of students and adults. In such a situation, the school administrator or law enforcement official shall attempt to inform the student's parent or guardian about the interview the same day it occurs.

Law enforcement officials will be allowed to interview students in school regarding their alleged misbehavior or the alleged misbehavior of others outside of the school day only when the interview is to be held in a closed room away from the view of students and adults, and when the law enforcement official receives prior permission from the student's parent or guardian to conduct the interview.

A classroom teacher may never excuse a student at the request of a social services or law enforcement official unless this request has been checked out and approved by the appropriate school administrator.

School staff members shall neither request nor interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts shall be made to inform a student's parent or guardian of the involvement of law enforcement. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary consequence.

## ***Protection and Privacy of Student Records***

### ***Privacy Rights***

Educational records which identify or could be used to identify a student, other than directory information (see below), may not be released to members of the public without the written permission of the student's parent or guardian, or the student if he or she is 18 years of age or older. This general rule is subject to specific and limited exceptions, which are described in Administrative Regulation 505.2AR, Protection and Privacy of Student Records.

One exception, which permits disclosure of educational records without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff; a person serving on the School Board; a person or company with whom the school has contracted to provide a service instead of using its own employees or officials including the school district's insurer or an authorized volunteer. Legitimate educational interests include those directly related to the school official's professional responsibilities for classroom instruction, teaching, assessment and research, student achievement and progress, student discipline, student health or welfare, or other legitimate professional responsibilities.

### ***Directory Information***

"Directory information" includes a student's name, date and place of birth, major field of study, participation and performance in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, enrollment status, district-issued email address, grade level, degrees, honors, diplomas and awards received, honor roll, school of attendance, the most recent previous educational agency or institution attended, photographs and other visual and audio representations for school-approved publications, yearbooks, newspapers, public presentations, ID badges, and publication on school-approved Internet pages and student identification (ID) numbers, user IDs or other unique personal identifiers used by a student for purposes of accessing or communicating in electronic systems or displayed on an ID badge. (A student's identifier is directory information but educational records can only be accessed in conjunction with the use of a password or personal identification number (PIN) or other factor known or possessed only by the authorized user.) Directory information does not include identifying data which references religion, race, color, disability, social position or nationality. "Directory information" also includes home addresses and home telephone numbers of students in grades 9 through 12, for the purpose of providing such information to military recruiting officials as requested by the military and to institutions of higher learning as requested by the institutions, in accordance with state and federal law. "Directory information" also includes home addresses, telephone numbers, school schedule, daily attendance record and parent or guardian names, addresses, email addresses and telephone numbers for the purpose of providing such information to law enforcement officers. "Directory information" also includes home addresses, and telephone numbers for the purpose of providing such information to the Dakota County Library.

Directory information may be released to the public without prior parent, guardian or student consent unless the parent, guardian or student (if the student is age 18 or older) has objected in writing to the release of one or more categories of such information.

Parent(s) or guardian(s) or students age 18 or older may object to the release of direc-

tory information by completing Procedure 505.2.4.3P, Denial of Release of Directory and Yearbook Information. A parent/guardian may not prevent the disclosure of a student's name, identifier or institutional email address in a class in which the student is enrolled or on a student ID badge. The form should be completed and returned to your student's school. If filed, the denial of release of information will remain in effect until it is modified or rescinded by the parent, guardian or eligible student.

### ***Inspection of Records***

Parent(s) or guardian(s) of a student, or a student who is age 18 or older, may request to inspect and review any of the student's educational records except those which are, by state or federal law, made confidential.

The district will comply with the request immediately if possible and, if not, within 10 days exclusive of weekends and holidays.

Copies of records may be obtained upon written request. A copying and handling fee will be charged. (See Administrative Regulation 505.2AR, Protection and Privacy of Student Records.)

### ***Challenge to Accuracy of Records***

A parent, guardian or student age 18 or older who believes that specific information in the student's educational records is inaccurate, misleading, incomplete or violates the privacy or other rights of the student, may request that the district amend the record in question. Challenges may be made by requesting and filing Procedure 505.2.11P, Request to Amend Educational Records, with the Director of Special Education.

### ***Special Education Records***

At the time of the student's graduation or when the student ages out of eligibility for special education services, special education records are no longer needed to provide educational services to the child. Requests for destruction of special education records can be made by:

- The graduated student, age 18 or older, or
- The non-graduated student, age 21 or older, or
- The parent or guardian of a 17-year-old or younger graduated student, or
- A person assigned guardianship of a former student with a disability who is no longer eligible for special education services.

Special education records are defined as any records stored in the district's child study files that include a referral form and the subsequent steps of evaluation and/or assessment, including: raw data, any record of staffing and/or team meeting, and individualized educational plan (IEP), progress report and annual review.

A former District 196 student (or the parent or guardian of such a student) who is the subject of special education data may request destruction of special education records by calling 651-423-7628 or writing to the Director of Special Education. Former students who are in doubt as to whether they are subjects of special education data or want more information regarding destruction of data may call 651-423-7628.



## ***Transfer of Records to Other Schools***

District 196 forwards educational records (including disciplinary records) of students to other schools and school districts in which a student seeks or intends to enroll upon request of that school or school district. A parent, guardian or student who is age 18 years or older may request and receive a copy of the records which are transferred and may, pursuant to policy, challenge the accuracy of the records. The district does not, however, notify parent(s), guardian(s) or students age 18 or older prior to such transfer.

## ***Types and Purposes of Data Gathering***

Educational programs administered by the district involve the submission by students of assignments, reports and the taking of tests. The district may also collect information for purposes of student enrollment, the administration of various school programs and for purposes of student health and safety. Information required to be submitted by students in connection with such reports, assignments and tests is private data under the terms of the Minnesota Government Data Practices Act, Minnesota Statute 13.01, et. seq. Such information is gathered and used as part of the educational process, in part to determine what the student is learning and what the student needs to learn. The district may also gather information from students when necessary to maintain the order and discipline of the school. In some cases this may include private data.

There is no legal requirement that students submit such data, but their failure to do so will have a direct result upon grades which are measured by evaluating such information. In some cases, students may be required to share data when it is necessary to maintain order and discipline. Failure to provide data in such cases may lead to disciplinary action.

School officials within the school district may receive and use the collected data when they have a legitimate educational interest in evaluating the student's progress or maintaining the order and discipline of the school. Such information is treated as private information and is not to be disclosed to third parties, unless authorized by law, without permission of the parent(s) or guardian(s) of minor students or students age 18 or older.

School officials may also use student data for research, including student data that is collected or assembled for purposes of student assessments. The research may be for developing, validating or administering predictive tests; to administer student aid programs, or to improve instruction. Student data collected or assembled for student assessments may be used in research that includes, but is not limited to norming studies, longitudinal or alignment studies and growth research. Parents, guardians and adult students may contact the district with questions about such research and may also refuse to participate in certain student assessments.

The district maintains the information described above in its educational records. There are two student record systems:

- **Cumulative records** are gathered on all students, and include, but may not be limited to, group achievement and ability measures, Title I services, English Language Learner services, Gifted and Talented services, interest inventories, disciplinary interventions, transcripts and other records, and logs and notes as appropriate, and
- **Child study records** are gathered when direct and indirect services and programs are delivered to individual students, and include, but may not be limited

to, individually administered achievement tests, sensory and motor function tests, intellectual measures and other records, individual educational plans, evaluation reports and logs and notes as appropriate. Such services and programs include but are not limited to psychological and special education services.

## ***Location of Records***

The educational records gathered on students are maintained in secure locations in district schools and the District Office.

- **Cumulative records** are maintained in the school the student attends. When the student graduates or transfers out of District 196, the records are maintained at the school of last attendance for one year. After one year the records are moved to the District Office and archived into the digital imaging system.
- **Current child study records** are stored in the school the student attends. Historical child study records are transferred once per year to the District Office where they are archived into the digital imaging system.

Records are released to outside individuals or agencies only according to provisions in Administrative Regulation 505.2AR, Protection and Privacy of Student Records.

## ***For More Information***

This review of the data privacy rights of students, parents and guardians in the educational records maintained by District 196 is intended only to be a summary of the provisions of Administrative Regulation 505.2AR, and applicable state and federal law. The regulation is available on the district website [www.district196.org](http://www.district196.org). Requests for copies of the regulation and questions should be addressed to:

Student Information  
Independent School District 196  
3455 153rd St. West  
Rosemount, MN 55068  
651-423-7700

Questions about records stored at your child's school can be addressed to the principal.

Questions about child study records can be addressed to the principal or to:

Director of Special Education  
Independent School District 196  
3455 153rd St. West  
Rosemount, MN 55068  
651-423-7628

## ***Complaints for Non-Compliance***

Parent(s), guardian(s) and students age 18 or older may submit written complaints of violation of rights accorded them by 20 USC Section 1232(g) to the Family Policy Compliance Office, U.S. Dept. of Education, 400 Maryland Avenue, SW; Washington, DC 20202-8520.

## ***Protection of Pupil Rights Amendment***

The federal Protection of Pupil Rights Amendment (PPRA) and Minnesota law give students and parents rights regarding student surveys and other matters, including the following:

Districts must directly notify parents and students each year of their rights under the law.

Districts must receive written consent of the parent or adult student before administering any student surveys funded by the U.S. Dept. of Education (USDOE) if the survey includes “protected” information regarding any of the following “protected” topics:

- Political affiliations or beliefs of the student or the student’s parents;
- Mental or psychological problems of the student or the student’s family;
- Sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating or demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of attorneys, physicians and ministers;
- Religious practices, affiliations, or beliefs of the student or the student’s parents, or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

Parents have the “right to notice” and an opportunity to “opt out” of any of the following:

- A student survey (as defined in Administrative Regulation 801.9AR) not included in the section above;
- Activities involving the collection, disclosure or use of personal information obtained from students for the purpose of marketing, selling or otherwise distributing said information to others, or
- Any non-emergency invasive physical exams or screenings that are required for attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate safety of the student or other students, except for hearing, vision, or scoliosis screenings, or others as permitted or required by state law.

Parents and eligible students have the right to inspect certain materials prior to a student participating in a survey. A request to inspect materials can be made to the building principal. Available for review will be:

- Student surveys;
- Documents and instruments used to collect personal information from students if used in marketing, sales or distribution to others, and
- Instructional materials used as part of the educational curriculum or as part of student surveys conducted under sections listed above.

Schools will give parents notice and information about surveys that may be administered to students, as more fully detailed in Administrative Regulation 801.9AR, Use of Students, Employees and/or District Data for Research.

Parents and eligible students can report violations of the PPRA by contacting the U.S. Dept. of Education Policy Compliance Office, 400 Maryland Avenue SW, Washington, DC 20202-5920.

Collection, protection and use of data obtained from students is governed by Policy 801, District-Community Relations; Administrative Regulation 801.9AR, and Policy 505, Student Records and corresponding administrative regulations.

District 196 will not impose an academic or other penalty upon a student who opts out of participating in a survey.

## ***Patriotic Exercise***

Student appreciation and understanding of the United States of America, the American heritage and democratic ideals are enhanced by ceremonies and other observances.

The Pledge of Allegiance shall be said at every school every school day, and schools shall regularly involve students in activities and programs to increase student understanding of the United States of America and its heritage.

In accordance with the law, individuals who wish to opt out of saying the Pledge of Allegiance or participation in patriotic exercises due to personal beliefs will be permitted to do so.

## ***Safety and Security***

District 196 and each of its schools have emergency plans that are reviewed annually and revised when appropriate. Video cameras are placed in schools and buses as a deterrent for misbehavior and to aid investigation of misbehaviors. Students are subject to discipline and referral to law enforcement for incidents of misconduct caught on videotape. In addition, to enhance the safety of students, staff and visitors, district officials follow the safety and security guidelines listed below.

### ***At Each School***

- All visitors must report to the office or visitor’s desk and sign in when they first arrive at school during school hours.
- All visitors must be given a nametag or badge to wear while they are in the building during school hours.
- Staff are expected to question people in the building whom they don’t recognize and who are not wearing a nametag or badge.
- Students and staff are expected to immediately report to a teacher or administrator any suspicious behavior or situation that makes them uncomfortable.
- All but one outside door will be locked during the school day.
- In the high schools, students are required to carry identification cards with them at all times in school or on school property.
- Portions of the building that will not be needed after the regular school day are closed off.
- Safety and security information is included in newsletters and handbooks for students, staff and parent(s).

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## ***Districtwide***

- All district employees must wear photo-identification badges while in district schools and offices on district property and when performing professional, job-related duties.
- All visitors must wear identification badges in district buildings during school hours.
- Signs are posted on unlocked doors in all schools to welcome visitors to the school and instruct them to report to the office or visitor's desk.
- Signs are posted on locked doors in all schools to explain that the door is locked for safety reasons and to direct people to an unlocked door.
- Safety and security information is included in the Overview of Student Rights and Responsibilities handbook, and in staff and community publications.
- Building supervision is provided in schools after regular school hours.
- Minnesota Statute 123B.03 requires school districts to perform criminal history background checks on everyone offered employment in the district, including all volunteer athletic and cocurricular coaches. The district exercises discretion when requiring background checks on selected other volunteers and independent contractors by considering such factors as the amount of student contact and the duration of the contact. The district does not perform background checks on the staff or volunteers of outside clubs and organizations that offer activities for youth in the community that are not organized or operated by the district.

## ***Health and Safety Notice***

District 196 uses a licensed, professional pest control service for the prevention and control of rodents, insects and other pests in and around the district's buildings. Their program consists of inspection and monitoring to determine whether pests are present and whether any treatment is needed, recommendations for maintenance and sanitation to help eliminate pests without the need for pest control materials, utilization of non-chemical measures such as traps, caulking and screening, and application of EPA-registered pest control materials when needed.

State law requires parents be told that the long-term health effects on children from the application of some pesticides used by the district may not be fully understood. An estimated schedule of interior pest control inspections and possible treatments is available for review at each school's main office and the Office of Health and Safety. Parents may request to receive prior notice of each pesticide application. Additionally, parents may request to receive prior notification of any application of pest control material on a day different from the days specified in the schedule. Requests can be made to the Health and Safety Supervisor at 651-423-7735.

## ***Unpaid Meal Charges***

District 196's goal is to provide nutritious meals to students to promote healthy eating habits and enhance learning as well as maintain the financial integrity of the National School Breakfast and Lunch program and eliminate stigmatization of children who are unable to pay meal charges. District 196's complete regulation on unpaid meal charges can be found in District 196 regulation 710.2.2AR.

Households may apply for free/reduced-price meal benefits anytime during the school year. Parents or guardians are responsible for all meal purchases made by their child unless they qualify for free/reduced-price meals. Meals may be paid for online by making electronic deposits to a student's school meal account through the District 196 electronic payment system, or payments may be sent to school with the student.

The Food & Nutrition Services Department will work proactively with parents/guardians to keep them informed of their students' balances. Reminders for payment of outstanding balances on student school meal accounts will be done with parents or guardians. Collection of unpaid meal debt will be done in a manner that does not demean or stigmatize any student participating in the school meal program. A regular school meal will not be taken away from a student with an overdrawn account, but students will not be permitted to charge ala carte items. If no payment is made following the exhaustion of collection efforts, District 196 may refer the matter to a collection agency.

## ***Accident & Property Insurance***

District 196 does not provide accident insurance for injuries that happen to students at school or during school activities, nor does the district provide insurance protection for student property that is lost, stolen or damaged at school or at school activities. Families that wish to have accident or property protection are encouraged to contact an insurance company.

# ***Student Responsibilities***

Student responsibilities include: conscientious effort in school work and activities; respect for the rights of other students, staff and visitors; and adherence to and cooperation in upholding local, state and federal laws, and district and school policies, rules and regulations. Most of all, students, administration and staff share the responsibility of establishing and maintaining a safe, stimulating and productive learning environment.

## ***Student Attendance***

A major student responsibility at all grade levels is regular attendance. Many studies correlate regular attendance with success in school. Regular attendance means that the academic learning process is not interrupted, less time is spent on make-up assignments, and students benefit from participation and interaction with others in class. State law requires every child between seven and 17 years of age to receive instruction. Students with excessive unexcused absences will be considered truant.

Establishing a pattern of good attendance will benefit the student in school and in the workplace. Research shows when students attend school regularly, they feel more connected to their community, develop important friendships, strengthen social-emotional skills and are significantly more likely to graduate from high school. When does poor attendance become a problem?

- By 9th grade, regular and high attendance is a better predictor of graduation rates than 8th grade test scores.
- Missing 10 percent, or about 18 days, of the school year can drastically affect a student's academic success.
- Students can be chronically absent even if they only miss a day or two of school every few weeks.
- Attendance is an important life skill that will help a student graduate from college and keep a job.
- Truancy may result in the termination of the open enrollment of a nonresident student.

The district has established more detailed guidelines for high school student attendance.

## ***High School Student Attendance***

**Expectation** – Excessive absences may have adverse consequences due to the inability of students to keep up with course assignments, activities, assessments, etc. With the exception of the school-authorized and verified absences noted below, high school students are expected to attend every class every day.

### **Excessive Absence Rule – Notification/Intervention Process**

- Each student's attendance, grade and discipline incidents are recorded electronically and available to parents online.
- When a student reaches his or her seventh absence in a specific trimester course (or five absences at schools on a quarter system), notification of the absences will be communicated to the student's parent/guardian. This notification will also advise that there may be adverse consequences, which may include loss of credit due to the student's inability to keep up with course assignments, activities, course assessments, etc.

- When the number of a student's absences reaches 10 in one trimester (or eight in one quarter) excluding absences not counted in the excessive absence rule, the school's designated administrator will review and investigate the reasons for the absences and determine a course of action which may include one or more of the following: parent meeting; parent meeting with teacher(s) and counselor, and/or development of an attendance intervention plan.

### **Types of Absences**

Absences which **are not** counted in the excessive absence rule include, but are not limited to:

- School-sponsored curricular and cocurricular activities;
- Official religious holidays;
- Death of an immediate family member (parent, step-parent, guardian, sibling, grandparent);
- Unique or emergency circumstances which are authorized (or, whenever possible, pre-authorized) by a school administrator;
- Chronic or long-term illnesses which are verified by a doctor's signed statement and authorized by a school administrator;
- Authorized appointments with school personnel;
- Military deployment of a family member, and
- In-school suspension, out-of-school suspension and transitional study hall (removal from class for one or more class periods).

Absences which **are** counted in the excessive absence rule include, but are not limited to:

- **Verified/Excused** – Absences which are verified by the parent/guardian with reasons accepted by the school. Accepted reasons are illness, medical or dental appointments that cannot be made outside of school time, and pre-authorized, pre-planned absence of one day or more (this must be arranged prior, preferably at least one week, to the absence in order to be verified).
- **Unexcused** – Unexcused absences will be treated with consequences in accordance with the behavior expectations and consequences for misbehavior outlined in district policy and administrative regulation. Unexcused absences occur when a student is absent from school without school approval. Consequences may include, but are not limited to, detention and in-school suspension will be assigned to students who have unexcused absences. Students with unexcused absences from one or more class periods on seven school days per year may be identified as truant and subject to Administrative Regulation 503.2.1AR, Truancy, in compliance with state law on compulsory instruction.
- **Tardies** – Tardies are defined as being late to class without a pass. Consequences such as detention and in-school suspension may be assigned to students with excessive tardies.

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**Make-Up Work** – Class absences necessitate make-up work, which, if not completed on time, may lead to failure or incomplete grades. Teachers must allow students to complete missed work, assignments, tests, quizzes, etc., but it is the student's responsibility to consult their teacher about absences from class and required make-up work. Students generally have two days per day of verified/excused absence in which to turn in make-up work.

## ***Student Behavior and Discipline***

Behavior is a student's demeanor and conduct in relation to:

- Treatment of other people;
- Care for property;
- Responsibility for personal possessions, and
- Accountability for own actions.

Students are expected to behave in accordance with federal, state and local laws and rules; and district and school policies, rules and regulations, and in a way that respects the rights and safety of others. Staff will take corrective action to discipline a student and/or to modify a student's behavior when a student's behavior does not fall within these parameters.

### ***Discipline:***

- Sets behavioral limits and guidelines to lead students to and through adulthood;
- Develops individual respect for law, authority, property, and the rights of others and self, and
- Develops a mature individual capable of self-control and direction.

Disciplinary efforts are to be as positive as possible, and are to include recognizing and strengthening appropriate behavior. Every student and employee in District 196 is entitled to learn and work in a safe school environment. Therefore, the district is responsible for making reasonable rules and regulations governing student behavior and conduct, and maintaining proper control and discipline. To ensure this, it is important that the district establish and communicate clear student behavior expectations and support these expectations with appropriate consequences that are applied consistently.

Some additional district guidelines on student behavior and discipline include the following:

**Corporal Punishment** – The use of corporal punishment (inflicting physical hurt upon a child in order to punish her or him for misconduct) is not permitted.

**Victims** – When an incident occurs in which one or more students have been physically or emotionally harmed by the misbehavior of another student(s), district staff shall be sensitive to the need to provide support to the victim(s) and to inform their parent(s) or guardian(s) about the incident.

**Physical Restraint** – In certain instances, it becomes necessary for staff to use physical restraint to provide a safe environment for students. Reasonable force may be used on a student without her or his consent when used by a principal or teacher when it is necessary under the circumstances to correct, restrain, or prevent bodily harm or death to another. Other school employees, bus drivers or agents of the district may use reasonable force without student consent when necessary under the circumstances to restrain or prevent bodily harm or death to another. Special care will be taken with students with disabilities to follow any guidelines for physical restraint, which may be written into their individual education plan (IEP) and to follow the law and the district's restrictive procedures plan.

## ***Student Fees and Fines***

Fees may be charged in areas considered to be cocurricular, extracurricular, non-curricular or supplementary to the requirements of a class or educational program or as otherwise permitted by state law.

Schools shall charge students for lost, damaged or destroyed books, materials, supplies and equipment which are owned by the district, including damage to school buses. Schools may fine students for parking violations on school property.

## ***Students Transported in Vehicles Other Than Those Provided by the District***

It is the parent's or guardian's responsibility (or the responsibility of the adult student age 18 or older) to provide transportation between school sites when students need to go from one school site to another for educational reasons during the school day. It also the parent's or guardian's responsibility (or the responsibility of the adult student age 18 or older) to provide transportation to and from cocurricular events and activities when transportation is not otherwise provided by District 196. Parents/guardians may permit their students to transport themselves between sites or to/from some cocurricular activities, but may be required to sign a release of liability. The district does not supervise students who drive between sites or to and from cocurricular events and activities and is not liable for accidents or injuries that occur.

## ***Test Security Information for Students***

As with any test, students have a responsibility to keep test content secure and act with honesty and integrity during administration of standards-based accountability assessments such as the Minnesota Comprehensive Assessments (MCAs).

The Minnesota Department of Education (MDE) expects students to follow all state and district policies for test administration and has added a code of conduct that students must view before beginning any standards-based accountability assessment:

On this test, do your own best work to show what you know and can do.

- Do not accept help finding answers to test questions.
- Do not give answers to other students.
- Do not tell others what is on the test. and
- There may be consequences if you do not follow directions or if you behave dishonestly.

MDE takes test security seriously and encourages any individual with firsthand knowledge of a test security concern to contact MDE. Educators, parents, students and others can report any suspected incidents of cheating or other improper or unethical behavior on statewide assessments by using an online tip line at <https://w1.education.state.mn.us/tip/>, by sending an email to [mde.testing@state.mn.us](mailto:mde.testing@state.mn.us) or calling 651-582-8674. (If the report is submitted anonymously, MDE will not respond in writing.) Depending upon the nature of each report and the amount of

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information provided, MDE will follow up with the district to investigate alleged irregularities. If individuals have a concern about test security practices, they are encouraged to raise their concerns with their District Assessment Coordinator or the district's legal counsel before contacting MDE.

## ***Student Behavior Expectations and Consequences for Misbehavior***

The consequences for misbehavior are designed to be fair, firm and consistent for all students in District 196. They apply to k-12, early childhood and adult basic education (ABE) students in any school or other district building, on district property, in district vehicles, at school bus stops, at school or district activities and events, or in student parking areas, including off-site parking locations commonly used by students. Consequences also apply to misbehaviors carried out through the use of electronic communication. The consequences may also apply for misbehaviors which take place at other locations but directly affect school programs or activities.

Because it is not possible to list every misbehavior that occurs, misbehaviors not included here will be responded to as necessary by staff. Minor misbehaviors are dealt with by bus drivers, chaperones, classroom teachers, counselors, administrators and other appropriate district staff.

Cheating, lying, plagiarism, copyright violations and other "academic" misbehaviors will be dealt with in the context of the student's classroom or cocurricular activities and are not addressed in the following chart of misbehaviors.

Students participating in cocurricular activities will also be expected to abide by the bylaws of the Minnesota State High School League, regardless of whether the particular activity is sponsored by the League.

In addition to the consequences detailed in this handbook, a school or the Transportation Department may respond to student misbehavior in a variety of ways which include, but are not limited to, dismissal from school, removal from class, loss of cocurricular activities, loss of access to school facilities and grounds outside of the regular school day, reports to probation services, criminal reports, community service, fines, loss of driving and parking privileges (at the high school level), and chemical evaluation. District 196 seeks to prevent student dismissals from school through the early detection of problems and to respond to inappropriate behaviors in a manner that is designed to prevent behaviors from recurring. Each District 196 school fosters the social and emotional learning of its students and seeks the engagement of students, staff and community. Student support staff members (including, where appropriate, counselors, social workers, cultural family advocates, case managers and school psychologists) may be available to assist students who engage in misbehavior.

Administrators may involve law enforcement authorities as necessary. If a student violates a district policy or regulation, which is also a violation of a law, the student will be referred to the police in addition to being dealt with as described here. In accordance with state law, administrators will refer to the juvenile delinquency or criminal justice system any student who brings a firearm to school unlawfully. School staff members shall not interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts shall be made to inform a student's parent or guardian of the involvement of law enforcement. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary consequence.

## ***Chemicals and Drug Paraphernalia***

As detailed more fully in the following charts, District 196 prohibits students from, among other things, possessing, using or distributing "chemicals" and "drug paraphernalia." For the purposes of this handbook, the word "chemicals" means narcotics or controlled substances, items purported or believed to be a narcotic or a controlled substance, any derivatives or synthetic versions of narcotics or controlled substances that can be used for the purpose of mood alteration, and prescription drugs or over-the-counter medications to be used for the purpose of mood alteration. Commonly known as marijuana or cannabis, THC in all its forms, including medicinal, edible or synthetic cannabis, is a prohibited controlled substance. "Drug paraphernalia" means items prohibited by Minnesota or federal law that are used for consumption or manufacturing of drugs.

Any prescription or over-the-counter medication a student is required to take, with the exception of inhalers, EpiPens and insulin, must be left with and administered by the school nurse, in accordance with 506.2.2AR, Administering Medication, however, medical cannabis may not be possessed or used on school district property or in school district vehicles. Students in grades 7-12 may self-administer standard doses of non-prescription pain relievers with written parent permission. (Refer to 506.2.1.2P, Emergency Information – Secondary Students, for more information.)

## ***Consequences***

For each misbehavior described in the following charts, there are specific consequences for first, second, third and fourth violations; however, administrators may apply lesser or greater consequences after considering intent and other extenuating circumstances. The definitions of those consequences, and other consequences for misbehavior, are as follows:

“★” – Student conference and parent or guardian notification; may include, but is not limited to, parent conference, parent shadow (elementary and middle only), restitution, peer mediation, adult-facilitated mediation, detention, in-school suspension and up to one day out-of-school suspension.

**Detention** – Requirement for a student to remain in school or attend school outside normal school hours.

**Dismissal** – Dismissing a student from school for less than one school day.

**Exclusion** – Action taken by the School Board to prevent a student from enrolling or re-enrolling for a period of time not to 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.

**Expulsion from Bus** – Transportation Department student conduct specialist or school administrator action to prohibit a student from riding a school bus or other district vehicle for up to 12 months from the date of the expulsion from the bus.

**Fine** – A financial penalty assessed of a student by the school.

**Mediation** – Mediation is designed to:

- Prevent minor misbehaviors from escalating to the point where disciplinary consequences need to be applied.
- Resolve interpersonal conflicts that may also require disciplinary consequences.

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**Notification of Parent or Guardian** – Conversation (in person or by telephone) and/or written contact between a school employee (usually a teacher, student support staff member or administrator) and a student's parent or guardian.

**Notification of Police** – Contact by the school administration or Transportation Department with the local police department to inform them about an illegal misbehavior engaged in by a student.

**Parent Conference** – Scheduled meeting between a school employee and a student's parent or guardian.

**Removal from Class** – Action taken by a teacher, principal or other district employee to prohibit a student from attending one or more class period or activity period for up to five days. A student who engages in assaultive or violent behavior in the classroom must be removed from class immediately and may be subject to other disciplinary consequences. The removal from the classroom shall be for a period of time deemed appropriate by the administrator, in consultation with the teacher.

**Restitution** – Compensation or compensatory service required of a student who has damaged, taken or destroyed school or personal property.

**Suspension from Bus** – Action taken by the Transportation Department student conduct specialist or an administrator to prohibit a student from riding a school bus or other district vehicle for a specific number of days per incident.

**Suspension, In-school** – Action taken by a teacher, principal or other district employee to prohibit a student from attending more than one class and/or activity period for a period of time not to exceed five days. Individual schools may provide restorative programming during in-school suspension.

**Suspension, Out-of-school** – Action taken by the school administration to prohibit a student from attending school for a period of no more than 10 school days. If a suspension is longer than five days, the suspending administrator shall provide the superintendent or designee with a reason for the suspension. A student who is on out-of-school suspension may not be in the school, on school or district property or attend school or district activities during the period of the suspension. If a student's total days of removal from school exceeds 10 cumulative days in a school year, the district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian prior to removing the student from school, and with the permission of the parent or guardian, arrange for a mental health screening for the student. (The school district will not pay for the assessment unless it is part of an assessment for special education purposes.) The purpose of the meeting shall be to attempt to determine the student's need for assessment, other services or whether the parent or guardian should have the student assessed to determine whether the student needs treatment for a mental health disorder.

**Violent Student Behavior (VSB)** – A student who engages in a behavior identified as "VSB" (violent student behavior) in the consequences chart will be identified as a student with a history of violent behavior.

**Alternative/Additional Consequences** – There are alternative or additional consequences and interventions available in certain circumstances, as determined by the administration.

- **Parent Shadow** (elementary school) – The principal may offer the "parent shadow" consequence (the parent or guardian to follow the student for half a day at school) to the student's parent(s) or guardian(s) for any elementary student misbehavior that results in a one-day, out-of-school suspension, except for weapon possession, look-alike weapon possession, assault or fighting. The

parent(s) or guardian(s) may then choose to accept or not accept the parent shadow consequence. Parent shadows will be expected to abide by the guidelines in Administrative Regulation 806AR, Visitors to Schools, and to complete the consequence within five school days of the incident.

- **Parent Shadow** (middle school) – The principal may offer the "parent shadow" consequence (the parent or guardian to follow the student for half a day at school) to the student's parent(s) or guardian(s) for any middle school student misbehavior that results in a ★ consequence. The parent(s) or guardian(s) may then choose to accept or not accept the parent shadow consequence. Parent shadows will be expected to abide by the guidelines in Administrative Regulation 806AR, Visitors to Schools, and to complete the consequence within five school days of the incident.
- **Chemical Assessment** (middle and high school) – Secondary students who violate certain rules regarding alcohol and chemicals may opt to have a lesser consequence if the student obtains a chemical assessment and adheres to the assessment recommendations. Assessment will be at the expense of the student's parent(s) or guardian(s) (or the adult student, if age 18 or older). A release form must be signed by the student and student's parent(s) or guardian(s) to share appropriate information with the school district.
- **Mental Health Referral** – Students may be referred to community mental health resources on a case-by-case basis as appropriate. Assessment will be at the expense of the students' parent(s) or guardian(s) or the adult student, if age 18 or older.
- **Restorative Programming** – Individual schools may offer restorative practices and programming to prevent and address disciplinary matters.
- **Threat Assessment** – In appropriate circumstances, individual schools may assemble a multidisciplinary threat assessment team to conduct a threat assessment with the purpose of ensuring student and staff safety.

### **Staff Notification of Violent Behavior by Students (VSB)**

Pursuant to Minnesota Statute 121A.64, a classroom teacher has a legitimate educational interest in knowing which students placed in the teacher's classroom have a history of violent behavior. Teachers must be notified before such students are placed in the teacher's classroom. Students who become identified as having a history of violent behavior as the year progresses, will constitute the need for teacher notification.

**Identification of Students with a History of Violent Behavior** – A student who engages in a behavior identified as "VSB" (violent student behavior) in the consequences chart will be identified as a student with a history of violent behavior.

**Notification to Teachers/Staff** – Teacher notification will occur on Procedure 503.3.5P, Staff Notification of Violent Behavior by Students, with a copy placed in the student's educational record and retained pursuant to the school district's records retention schedule. Written notification should be provided to all of the student's classroom teachers. Building principals have discretion to provide notice to other staff members who also interact with the student. Written notification to the teacher will occur prior to the placement of a student in the teacher's classroom whenever possible.

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Once a student has been identified as a student with a history of violent behavior, notification will occur for the remainder of the school year and the following school year. The period of notification will be extended accordingly for each new incident of violent behavior that occurs.

**Notification to the Parent of a Student Identified as Having a History of Violent Behavior** – Parental notification of a student having a history of violent behavior will be consistent with notification practices in this handbook and Administrative Regulation 503.3AR, Student Behavior Expectations and Consequences for Misbehavior.

**Notice to Other School Districts** – This notice is an educational record and will be transferred to an enrolling school district.

**Training** – Pursuant to Minnesota Statute 121A.64, representatives of the School Board and representatives of the teachers will discuss the needs of students and staff. The parties may discuss necessary training which may include training on conflict resolution and positive behavior interventions and possible intervention services such as student behavioral assessments.

**Written Notification from Law Enforcement** – A school that receives formal notification from law enforcement or the court system about a student's delinquent conduct in the community shall process that notification as required by Minnesota Statute 121A.75. This may include notification of appropriate staff if necessary to protect others from needless vulnerability and to allow staff members to work with the student in an appropriate manner. Notification shall be in accordance with the law and shall not be governed by the district's procedures for staff notification of students with

a history of violent behavior. The handling and retention of records received pursuant to Minnesota Statute 121A.75 shall be according to the requirements of that statute and Minnesota Statute 120A.22, subd. 7.

**Record of Notice** – The administration must keep a copy of Procedure 503.3.5P, Staff Notification of Violent Behavior by Students, on file to provide a record of those staff members notified under this section.

### ***Cell Phones and Personal Devices***

Students who bring cell phones or other personal electronic devices to school with them do so at their own risk. District 196 assumes no responsibility for theft, loss, or damage of a phone or electronic device brought to school and will not assume responsibility for investigating loss or theft of such items. If brought to school, phones/devices should generally be kept out of sight, preferably locked in a locker. District 196 staff may take away cell phones and other personal electronic devices from students who misuse them or have them out when they should be put away. In some cases, students may also lose the privilege of bringing a cell phone or other personal electronic device to school. Parents are asked to limit calling/texting their children during the school day as that can be disruptive. Students and families should review their individual school's cell phone and personal device expectations.

## ***Misbehaviors and Consequences***

Students are expected not to engage in the following activities. The consequences apply regardless of whether the misbehavior took place in school, on district property, in a district vehicle, at a school or district activity, at a school bus stop or in student parking areas, including off-site parking locations commonly used by students. Consequences also apply to misbehaviors carried out through the use of electronic communication. The consequences may also apply for misbehaviors which take place at other locations but directly affect school programs or activities. The school district makes every effort to apply disciplinary consequences consistently, but the administrator may recommend longer or shorter suspensions, expulsion, denial of transportation privileges, other discipline, or interventions such as mental health referrals on a case-by-case basis. This may include more severe consequences for students with multiple offenses in different categories of misbehavior or when a single behavior is particularly severe. Administrators may apply less severe consequences after considering intent or other extenuating circumstances.

<b>MISBEHAVIORS</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
<b>1. Abuse: Verbal, Written or Otherwise Expressed</b> – Arousing alarm in others through the use of language that is discriminatory, abusive, bullying, threatening or obscene, including through the use of electronic communication.				
Involving student or staff (grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
Involving student (grades 6-12)	★	1-day susp.	3-day susp.	5-day susp. and •VSB
Involving self-harm (grades 6-12)	Referral for mental health assessment			
Involving staff (grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
Involving staff (grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	

•VSB – violent student behavior see page 13

★ – see page 12

*(continued on next page)*



MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
2. <b>Alarm, False</b> – Intentionally giving a false report to 911 or a false alarm of a fire or other emergency, including through the use of electronic communication, or tampering or, interfering with any alarm or alarm sensor.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	5-day susp.	expulsion		
3. <b>Alcohol*, Intent to Sell, Give or Share</b> – Selling, giving or sharing or intending to sell, give or share alcohol, including through the use of electronic communication, where selling, giving or sharing is prohibited by Minnesota or federal law.  * For the purposes of this handbook, alcohol means any alcoholic substance—in whatever form (e.g., liquid, powder)—that has an intoxicating effect on the central nervous system and includes any alcoholic substance which may not be legally possessed or consumed by persons under the age of 21.				
(grades 6-12)	5-day susp. with chemical assessment <b>or</b> 10-day susp.	expulsion		
4. <b>Alcohol, Possession or Use</b> – Possessing, influenced by the use of, or using alcohol.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	5-day susp. with chemical assessment <b>or</b> 10-day susp.	10-day susp. with chemical assessment and agreement to follow assessment recommendations <b>or</b> expulsion		
5. <b>Ammunition Possession</b> – Possession of bullets, other projectiles designed to be used in a weapon or other material designed to cause pain or injury.				
(grades k-5)	★	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
(grades 6-8)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
(grades 9-12)	5-day susp. and •VSB	expulsion and •VSB		
6. <b>Arson</b> – Intentional destruction or damage to school or district buildings or property by means of fire.				
(grades k-12)	expulsion, restitution and •VSB			
7. <b>Assault: Aggravated</b> – Committing an assault upon another person with a weapon or a device used as a weapon, or an assault upon another person that inflicts “substantial bodily harm” as that term is defined in Minnesota’s criminal code.				
(grades k-12)	expulsion and •VSB			

•VSB – violent student behavior see page 13

★ – see page 12

(continued on next page)

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
8. <b>Assault: Physical</b> – Acting with intent to cause fear in another person of immediate bodily harm or death, or intentionally bullying, inflicting or attempting to inflict bodily harm upon another person.				
Upon a student (grades k-5)	★	1-day susp.	3-day susp. and •VSB	5-day susp. and •VSB
Upon a staff member (grades k-5)	★ and •VSB	1-day susp. and •VSB	3-day susp. and •VSB	5-day susp. and •VSB
Upon a student (grades 6-12)	5-10 day susp. and •VSB	expulsion and •VSB		
Upon a staff member, including agents, volunteers and School Resource Officers (grades 6-12)	expulsion and •VSB			
Refusing to obey an order to cease striking, hitting, or attacking another student with the intent to cause physical harm. (grades 6-12)	10-day susp and VSB	expulsion and VSB		
9. <b>Assault: Verbal, Written or Otherwise Expressed</b> – Confrontation with a student or staff member through statements or actions which bullies, intimidates, threatens or causes fear of bodily harm or death, including through the use of electronic communication.				
Upon a student or staff member (grades k-5)	★	1-day susp.	3-day susp.	5-day susp. and •VSB
Upon a student (grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
Upon a student (grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
Upon a staff member (grades 6-12)	5-day susp. and •VSB	expulsion and •VSB		
10. <b>Bodily Harm, Inflicting</b> – Committing a reckless or negligent act that inflicts bodily harm upon another person.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	1-day susp.	3-day susp.	5-day susp.	expulsion
11. <b>Bullying</b> – Bullying is subject to discipline under other categories including, but not limited to, abuse, assault, harassment and cyberbullying, including through the use of other electronic communication. See Administrative Regulation 503.8AR, Bullying Prohibition.				
12. <b>Burglary</b> – Entering a building or a specific area of a building without consent and with intent to commit a crime, or entering a building without consent and committing a crime.				
(grades k-5)	3-day susp. and restitution	expulsion and restitution		
(grades 6-12)	expulsion and restitution			
13. <b>Chemicals: Intent to Sell, Give or Share</b> – Selling, giving or sharing chemicals or drug paraphernalia, or intending or offering to sell, give or share chemicals or drug paraphernalia, including through electronic communication. (See definition of “chemicals and “drug paraphernalia” on page 12.)				
(grades 6-12)	expulsion			

•VSB – violent student behavior see page 13

★ – see page 12

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MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
<b>14. Chemicals: Possession, Under the Influence, Attempted Possession or Use</b> – Possessing, being influenced by the use of, attempting to possess or using any chemical or possessing or using drug paraphernalia, including through electronic communication. (See definition of “chemicals and “drug paraphernalia” on page 12.)				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12) – Drugs other than those listed below will result in the following consequences.	5-day susp. with chemical assessment <b>or</b> 10-day susp.	10-day susp. with chemical assessment and agreement to follow assessment recommendations or expulsion	expulsion	
(grades 6-12) – Certain felony-level drugs, specifically cocaine, ecstasy (MDMA), heroin, prescription opioids, nonmedical methamphetamine (meth) and psilocybin (magic mushroom), will result in expulsion.	expulsion			
<b>15. Cyberbullying</b> – Inappropriate use of technology or other electronic communication including, but not limited to, a transfer of a sign, signal, writing, image, sound or date, including a post on a social network Internet website or forum, transmitted through a computer, cell phone or other electronic device to bully another. Cyberbullying is prohibited on school premises, during school functions or activities, on school transportation, or on school computers, networks, forums and mailing lists, or off the school premises to the extent such use substantially and materially disrupts student learning or the school environment. Students may also be disciplined under other qualifying categories listed within this document.				
(grades k-5)	★	★	★	1-day susp.
(grades 6-8)	★	★	1-day susp.	3-day susp.
(grades 9-12)	★	1-day susp.	3-day susp.	5-day susp.

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
<b>16. Damage of or Tampering with Property (Vandalism) –</b> Intentionally damaging or tampering with property that belongs to the school, district, other students, employees or others. <i>(Note: Damaging or tampering with safety and security equipment [e.g., fire extinguishers, Automated External Defibrillators {AEDs}, surveillance cameras/equipment, fire alarm sensors, sprinkler systems] will automatically result in consequences beginning at the 2nd offense level.)</i>				
(grades k-5)	★ and restitution	1-day susp. and restitution <b>or</b> parent shadow and restitution	3-day susp. and restitution	5-day susp., restitution and •VSB
(grades 6-8)	★, 1-day susp. and restitution	3-day susp. and restitution	5-day susp., restitution and •VSB	expulsion, restitution and •VSB
(grades 9-12)	3-day susp. and restitution	5-day susp., restitution and •VSB	expulsion, restitution and •VSB	
Damage of Property (Vandalism) – Greater than \$500 damage (grades 9-12)	5-day susp. and restitution	expulsion, •VSB and restitution		
Damage of Property (Vandalism) - Greater than \$1,000 damage (grades 9-12)	10-day susp. and restitution	expulsion, •VSB and restitution		
<b>17. Dress</b> – Clothing may not include words or visuals which are lewd*, obscene*, disruptive*, abusive* or discriminatory*, or which advertise drugs, alcohol or tobacco. Dress or grooming which is disruptive to the classroom or school atmosphere is not allowed. Shoes must be worn at all times for health and safety reasons. Secondary school students may not wear facemasks, clothing, or any item that would prevent the student from being immediately identifiable. Exceptions may be authorized by school administrators.				
(grades k-5)	★	★	1-day in-school susp.	3-day susp.
(grades 6-12)	★	1-day susp.	3-day susp.	5-day susp.

\* **Lewd and Obscene** is defined as follows: 1) The average person, applying contemporary community standards, would find that the clothing taken as a whole appeals to the prurient interest of minors of like age; 2) The clothing depicts or describes sexual conduct in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of like age, and 3) The clothing taken as a whole lacks serious literary, artistic, political or scientific value for minors.

\* **Disruptive** is defined as reasonably forecasted to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or the work of the school or to infringe on the rights of other students.

\* **Abusive** is defined as insulting, contemptuous or defamatory.

\* **Discriminatory** is defined as demonstrating prejudice against groups or individuals, as referred to in the district's anti-discrimination policy.



MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
18. <b>Driving, Careless or Reckless</b> – Driving on school property in such a manner as to endanger persons or property. (grades 9-12)	★; may include revocation of parking permit	3-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit	expulsion
19. <b>Fighting</b> – Adversarial physical contact (differentiated from poking, pushing, shoving or scuffling) in which one or both of the parties contributed to the situation by verbally instigating a fight and/or physical action. (grades k-5)	★	★	1-day susp.	3-day susp. and •VSB
(grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
(grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
20. <b>Fighting, Promoting/Instigating a Fight</b> – Contributing to a fight verbally or through behavior, including through the use of electronic communication. (grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	5-day susp. and •VSB
(grades 9-12)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
21. <b>Fire Extinguisher, Unauthorized Use</b> – Unauthorized handling of a fire extinguisher or fire alarm sensors. (grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	5-day susp.	expulsion		
22. <b>Fireworks or Combustibles, Possession</b> – Possessing or offering for sale any substance, combination of substances or articles prepared to produce a visible or audible effect by combustion, explosion, deflagration or detonation. (grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	3-day susp.	5-day susp.	expulsion	
23. <b>Fireworks or Combustibles, Use</b> – Using or igniting any substance, combination of substances or articles prepared to produce a visible or audible effect by combustion, explosion, deflagration or detonation. (grades k-5)	★	3-day susp.	5-day susp.	expulsion
(grades 6-8)	3-day susp.	5-day susp.	expulsion	
(grades 9-12)	5-day susp.	expulsion		

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
24. <b>Gambling</b> – Playing a game of chance for stakes.				
(grades k-5)	★	★	★	1-day susp. <b>or</b> parent shadow
(grades 6-8)	★	★	1-day susp.	3-day susp.
(grades 9-12)	★	1-day susp.	3-day susp.	5-day susp.
25. <b>Harassment</b> – Participating in or conspiring with others to engage in acts that injure, bully, degrade, intimidate or disgrace other individuals, including indecent exposure, displaying pornography, and harassing words or actions that negatively impact on an individual or group because of their characteristics, including through the use of electronic communication. Harassment based upon an individual or group's sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information shall also be handled in accordance with 503.4AR, Harassment, Discrimination, Violence or Hazing.				
(grades k-3)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 4-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	★	1-day susp.	5-day susp.	expulsion
(grades 9-12)	1-day susp.	3-day susp.	5-day susp.	expulsion
26. <b>Hazing</b> – Committing an act against a student or coercing a student into committing an act that creates a substantial risk of harm or holds a student up to ridicule in order for the student to be initiated into or affiliated with a student organization, group or club, including through the use of electronic communication. Hazing shall also be handled in accordance with 503.4AR, Harassment, Discrimination, Violence or Hazing by a Student.				
(grades 6-8)	1-day susp.	3-day susp.	5-day susp.	expulsion
(grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
27. <b>Incendiary Devices</b> – Unauthorized possession or igniting of matches, lighters and other devices that produce flames.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	1-day susp.	3-day susp.	5-day susp.	expulsion

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
28. <b>Interference, Disruption or Obstruction</b> – Any action taken to attempt to prevent one or more staff members or students from exercising their assigned duties, including loud speech, shouting, screaming or through the use of electronic communication.				
(grades k-5)	★	★	★	1-day susp. <b>or</b> parent shadow
(grades 6-8)	★	★	1-day susp.	3-day susp.
(grades 9-12)	★	1-day susp.	3-day susp.	5-day susp.
29. <b>Lewd Behavior</b> – Sexual conduct that is considered indecent or offensive or other indecent behavior, including public urination. Lewd behavior that occurs on a school bus will also result in a 5-day bus suspension for a first offense and an expulsion from the bus for a second offense for students in grades 9-12.				
(grades k-3)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 4-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	★	1-day susp.	5-day susp.	expulsion
(grades 9-12)	1-day susp.	3-day susp.	5-day susp.	expulsion
30. <b>Mace, Pepper Gas or Taser Possession</b> – Possession of mace, pepper gas, tasers or similar substances designed to cause pain or injury.				
(grades k-5)	★	3-day susp.	5-day susp.	expulsion and •VSB
(grades 6-8)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
(grades 9-12)	5-day susp. and •VSB	expulsion and •VSB		
31. <b>Nuisance and/or Recording Devices</b> – Causing a nuisance with objects that cause distractions, such as MP3 players (iPods), radios, headsets, cellular phones, universal remote controls, laser pointers, etc. This includes, but is not limited to, causing a nuisance through the non-curricular use of cameras, cell phones or other devices for photographic, audio, video, or digital recording and/or sharing of those recordings without staff permission. Students who violate this provision may be prohibited from possessing their device in school for up to 45 days in addition to the consequences listed below.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-12)	1-day susp.	3-day susp.	5-day susp.	10-day susp.
Involving staff (grades 6-12)	3-day susp.	5-day susp.	10-day susp.	

•VSB – violent student behavior see page 13

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MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
32. <b>Physical Contact – Staff</b> – Making unwanted physical contact with a staff person while engaging in deliberately insubordinate conduct.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-12)	5-day susp. and •VSB	10-day susp. and •VSB	expulsion and •VSB	
33. <b>Pornography Possessing</b> – Creating or accessing sexually explicit material, including through the use of electronic communications or materials.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	5-day susp.
34. <b>Pornography Sharing</b> – Sharing pornography including through the use of electronic communications or materials, such as sexting.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	1-day susp.	3-day susp.	5-day susp.	
(grades 9-12)	3-day susp.	5-day susp.	5-day susp.	
35. <b>Propping, Rigging, Disabling or Misusing a Secure Door</b> – Any action which causes a door to be unsecured in order to facilitate subsequent re-entry or unauthorized use of an emergency exit.				
(grades k-8)	★			
(grades 9-12)	★	1-day susp.	3-day susp.	
36. <b>Records or Identification Falsification</b> – Falsifying signatures, data, or school documents, or refusing to give proper identification or giving false information to a staff member.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	5-day susp.

•VSB – violent student behavior see page 13

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<b>MISBEHAVIORS (continued)</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
<b>37. Robbery or Extortion</b> – Obtaining property from another person where his or her consent was induced by use of force, threat of force or under false pretenses, including through the use of electronic communication.				
(grades k-5)	★ and restitution	1-day susp. and restitution <b>or</b> parent shadow and restitution	3-day susp. and restitution	5-day susp., restitution and •VSB
(grades 6-8)	3-day susp. and restitution	5-day susp., restitution and •VSB	expulsion, restitution and •VSB	
(grades 9-12)	expulsion, restitution and •VSB			
<b>38. Sexual Violence</b> – A physical act of non-consensual, intentional touching of another person’s intimate parts under their clothing OR the intentional touching of another person’s intimate parts under their clothing where the consent of the victim is not a defense under Minnesota’s criminal code. (For more information, refer to 503.4AR, Harassment, Discrimination, Violence or Hazing by a Student.)				
(grades 6-8)	5-day susp. and •VSB	expulsion and •VSB		
(grades 9-12)	expulsion and •VSB			
<b>39. Technology-Related</b>				
Unauthorized access or activity in a secured area of computer or network (trespassing) (grades k-5)	★	★	1-day susp. or parent shadow	3-day susp.
Unauthorized access or activity in a secured area of computer or network through the use of any electronic communication or device (trespassing) (grades 6-12)	3-day susp.	5-day susp.	expulsion	
Non-school use of technology (grades 6-12)	★	★	1-day susp.	3-day susp.
Unauthorized adding or altering of hardware/software on a workstation or server (damage of property) (grades 6-12)	3-day susp. and restitution	5-day susp. and restitution	expulsion and restitution	
Other violations of 503.7AR, Acceptable Use of Information Technology - Students (grades 6-12)	★	★	1-day susp.	3-day susp.



MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
40. <b>Theft, or Knowingly Receiving or Possessing Stolen Property</b> – Unauthorized taking of the property of another person or receiving or possessing such property. (For more information about theft related to the use of information technology, refer to 503.7AR, Acceptable Use of Information Technology - Students.)				
(grades k-5)	★ and restitution	★ and restitution	1-day susp. and restitution <b>or</b> parent shadow and restitution	3-day susp. and restitution
(grades 6-12)	1-day susp. and restitution	3-day susp. and restitution	5-day susp. and restitution	expulsion and restitution
Theft, or Knowingly Receiving or Possessing Stolen Property – with a value over \$50 (grades 6-12)	3-day susp. and restitution	5-day susp. and restitution	expulsion and restitution	
Theft or Knowingly Receiving or Possessing Stolen Property – with a value over \$500 (grades 6-12)	5-day susp. and restitution	expulsion and restitution		
Theft or Knowingly Receiving or Possessing Stolen Property – with a value over over \$1,000 (grades 6-12)	expulsion and restitution			
41. <b>Threat of Bomb or Violence</b> – With the purpose of terrorizing another or with reckless disregard of the risk of causing terror in another, directly or indirectly communicating a threat of a bomb or other act of violence against the school or another individual, including through the use of electronic communication.				
(grades k-5)	★	1-day susp.	3-day susp. and •VSB	5-day susp. and •VSB
(grades 6-8)	5-day susp. and •VSB	expulsion and •VSB		
(grades 9-12)	expulsion and •VSB			
42. <b>Tobacco and E-Cigarettes, Possessing</b> – Possessing, or using, tobacco or e-cigarettes (including, liquid or electronic cigarettes, vape pens and other devices, e-cigars or electronic hookah pens) in district buildings, on district grounds, in district vehicles or at district events in violation of 406.5AR, Tobacco-Free Environment. Use in a classroom or on a school bus will automatically result in consequences beginning at the 2nd offense level. In addition to the listed consequences, K-5 students will receive a bus expulsion for a 4th offense on a bus and 6-12 students will receive a bus expulsion for a 3rd offense on a bus.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	★	1-day susp.	3-day susp.	5-day susp.

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
43. <b>Tobacco and E-Cigarettes, Intent to Sell, Give or Share</b> – Selling, giving or sharing tobacco or e-cigarettes (including liquid or electronic cigarettes, vape pens, e-cigars or electronic hookah pens) in district buildings, on district grounds, in district vehicles or at district events in violation of 406.5AR, Tobacco-Free Environment. In addition to the listed consequences, K-5 students will receive a bus expulsion for a 3rd offense on a bus and 6-12 students will receive a bus expulsion for a 2nd offense on a bus.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	3-day susp.	5-day susp.	10-day susp.	expulsion
44. <b>Trespassing</b> – Being present in any district facility or portion of a district facility when it is closed to the public or when the student does not have the authorization to be there, or unauthorized presence in a district vehicle.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	3-day susp.	5-day susp.	expulsion	
45. <b>Vehicle, Unauthorized Use</b> – Occupying or using vehicles during school hours without school authorization. (grades 9-12)	1-day susp.; may include revocation of parking permit	3-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit
Refusal to comply with parking regulations. (grades 9-12)	★	1-day susp.; may include revocation of parking permit	3-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit
46. <b>Weapon or Look-alike Weapon, Possession</b> – Possessing any firearm, whether loaded or unloaded, or any device intended to look like a firearm; any knife; any device or instrument designed as a weapon and capable of producing severe bodily harm, or intended to look like a device or instrument capable of producing severe bodily harm; or any other device, instrument, substance or explosive which, in the manner in which it is used or intended to be used, is calculated or likely to produce severe bodily harm or looks like it is calculated or likely to produce severe bodily harm.				
Look-alike weapon possession (grades k-5)	★	1-day susp.	3-day susp.	5-day susp. and •VSB
Weapon, possession (grades k-5) <i>(NOTE: State law requires expulsion if the weapon is a firearm.)</i>	★ to expulsion and •VSB			
Weapon or look-alike weapon, possession (grades 6-12)	expulsion and •VSB			

## Student Transportation: Behavior Expectations

Riding a school bus is a privilege, not a right. The bus driver is responsible for maintaining appropriate student behavior on the bus and is authorized to assign students to specific seats. To help ensure the safety of students, transportation employees and other motorists, students are expected to abide by all student behavior rules outlined in school district regulations, and reviewed above in this handbook, and by the additional transportation safety rules reviewed below in the following chart. The driver will report students who violate the rules to the student's school principal or the Transportation Department student conduct specialist. Serious misbehavior described in the preceding rules above list of behaviors, if it occurs on a school bus, may result in a denial of transportation privileges in addition to the school consequences identified above. If a student's transportation privileges are denied because of the student's misbehavior, the student's parent(s) or guardian(s) will be responsible for transporting the student to and from school. Any student who is issued a citation trespassing them from a school property will lose their bus riding privileges to/from that property. Student behavior policies may be adjusted – as required by federal and state laws and regulations – for students who have individual education plans [IEPs].

Video cameras are used on some school buses, and students' conversations and actions may be recorded on video/audio tape. The use of video cameras is intended to decrease student misbehavior and allow safe bus operation for students, drivers and other motorists.

While riding in a district vehicle, in accordance with state law, students shall not transport gasoline, animals or any other dangerous or objectionable objects, except for animals specifically trained to assist people who are blind or have other disabilities. Students are allowed to bring other items on the bus that can be held on the student's lap or at his/her seat in a safe manner as long as it does not displace another student. Items such as skateboards, roller blades, ice skates, bats, etc. are allowed on the bus when stored in an appropriate bag/container so as to prevent injury to bus passengers. Items that are longer than 39 inches (the height of the bus seat back) are prohibited without approval from the Transportation Department.

To ensure on-time arrival at schools, students are expected to be present at the bus stop five minutes prior to the scheduled pick-up time. Once students board the bus they must remain on the bus until they have reached their school or designated stop. The driver will report students who violate the rules to the student's school principal or the Transportation Department student conduct specialist.

MISBEHAVIORS IN DISTRICT VEHICLES	1st Offense	2nd Offense	3rd Offense	4th Offense
47. <b>Eating/Drinking on the Bus</b> – Due to the dangers of choking and of allergic reactions to food, eating and drinking are not allowed on the bus.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
48. <b>Improper Boarding or Departing</b> – Getting on or off the bus in a manner which could cause injury to self or others.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
49. <b>Not Remaining Seated</b> when the bus is in motion (as required by Minnesota Statute 169.447), including not keeping hands, arms, legs and head inside the bus.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	★	1-day bus susp.	3-day bus susp.
50. <b>Pushing, Shoving or Scuffling</b>				
(grades k-3)	★	★	★	1-day bus susp.
(grades 4-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.

MISBEHAVIORS IN DISTRICT VEHICLES (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
<b>51. Tampering With or Damage of Emergency or Safety Equipment</b> – Unauthorized handling of emergency or safety equipment on the bus, including first aid kits, fire extinguishers, cameras, two-way radios and emergency doors, windows or hatches, or crossing/patrol flags.				
(grades k-5)	★ and restitution	1-day bus susp. and restitution	3-day bus susp. and restitution	5-day bus susp. and restitution
(grades 6-8)	1-day bus susp. and restitution	3-day bus susp. and restitution	5-day bus susp. and restitution	expulsion from bus and restitution
(grades 9-12)	3-day bus susp and restitution	5-day bus susp and restitution	expulsion from bus and restitution	
<b>52. Throwing, Shooting or Spraying of Objects or Propellants</b> – Throwing or shooting any items inside a bus, from outside to inside or from inside to outside a bus. Any spraying of propellants such as cologne, paint, etc. while on the bus.				
(grades k-5)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
(grades 6-12)	★	3-day bus susp.	5-day bus susp.	expulsion from bus
<b>53. Use of Nuisance and/or Recording Devices on a School Bus</b> – Using nuisance devices including, but not limited to, laser pointers, cellular phones, cameras or electronic devices on a school bus in a way that disrupts the safe transportation of students and/or endangers students or employees.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	1-day bus susp.	3-day bus susp.	5-day bus susp.	10-day bus susp.

*Minnesota Statute 121A.59 states: “Transportation by school bus is a privilege, not a right, for an eligible student. A student’s eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline policy. Revocation of a student’s bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under the Individuals with Disabilities Education Act, United States Code, title 20, section 1400 et seq., section 504 of the Rehabilitation Act of 1973, United States Code, title 29, section 794, and the Americans with Disabilities Act, Public Law Number 101-336, are governed by these provisions.”*



## ***Students Receiving Special Education: Consequences for Misbehavior***

In general, all students are expected to comply with district policies, regulations and rules on student behavior. However, for students receiving special education the policies, regulations and rules may be adjusted as required by federal and state laws and regulations, and by the student's individual education plan (IEP).

Whenever possible, the staff will develop positive interventions to manage the behavior of special education students rather than administer a punishment.

### ***In-School Suspension (ISS)***

A student receiving special education may receive ISS to continue to benefit from instruction.

### ***Out-of-School Suspension (OSS)***

A student receiving special education services shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days. A special education student may not receive out-of-school suspension for more than 10 school days except as permitted by applicable law described below.

When a student receiving special education services has been suspended for sixteen consecutive school days or more than ten cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the student's individualized education program team, including at least one of the student's teachers, shall meet and determine the extent to which the student needs service in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's individualized education program. That meeting must occur as soon as possible, but no more than ten days after the sixth consecutive day of suspension or the eleventh cumulative day of suspension.

A manifestation determination must be conducted for a suspension that is expected to be for more than 10 consecutive school days. A manifestation determination must also be conducted for all disciplinary removals, once a student has accumulated more than 10 days of suspension in a school year when the current removal is one in a series of removals constituting a change of placement. When a manifestation is conducted, a written notice of the IEP team meeting and a Notice of Suspension must be sent to student's parent or guardian. The IEP team will meet and document whether misbehavior is a manifestation of the student's disability. If the IEP team determines that the incident is a manifestation of the student's disability, an out-of-school suspension may still take place with the agreement of the student's parent(s) or guardian(s), or as otherwise permitted by law. The IEP team must conduct a functional behavioral assessment and develop a behavioral intervention plan or, as applicable, review and modify an existing plan. If the student's conduct was determined to be a direct result of a failure to implement the IEP, the team must take immediate steps to remedy the failure. If the IEP team determines that the incident is not a manifestation of the student's disability, action will be taken under the discipline policy, however the IEP team must determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum and progress toward meeting IEP

goals. A functional behavioral assessment may be conducted if determined appropriate by the IEP team.

If at any time the team determines that the student cannot follow district policies and regulations on student behavior due to his or her disability and that a regulated procedure is necessary, an assessment will be conducted which may lead to writing a Behavior Intervention Plan into an IEP.

### ***Expulsion/Exclusion***

Before proceeding with an expulsion or exclusion, the district must conduct a manifestation determination review as described above. If the IEP team determines that the incident is a manifestation of the student's disability, expulsion or exclusion may not take place. However, the district may use due process procedures to propose a change in the student's IEP and placement. Moreover, even if it is determined that the incident was a manifestation of the student's disability, the district may impose a placement to an interim alternative educational setting for up to 45 school days in the circumstances described in the following section.

If the IEP team determines that the incident is not a manifestation of the student's disability, the school may proceed with appropriate procedures to expel or exclude the student in accordance with the law and district policy. The IEP team must determine the services to be provided during the period of expulsion. A functional behavioral assessment may be conducted if determined appropriate by the IEP team.

### ***Exceptions***

In accordance with the federal Individuals with Disabilities Education Act (IDEA), a student with an IEP may be placed in an appropriate interim alternative educational setting for 45 school days if the student engages in the following conduct on school premises or at a school function:

- Carries or possesses a dangerous weapon (as defined in federal law) to or at school, on school premises or to or at a school function;
- Knowingly possesses or uses illegal drugs or sells or solicits the sales of a controlled substance while at school, on school premises or at a school function; or
- Inflicts serious bodily injury (as defined in federal law) upon another person while at school, on school premises or at a school function.

School administration has the power to require the 45-day placement; however, the student's IEP team must determine the appropriate interim alternative educational setting subject to the parent's right to appeal pursuant federal law. If the conduct does not meet the criteria above, the district may request a local due process hearing to seek an order to change the student's current educational placement for up to 45 school days if the district believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others, and/or the district may propose a change in placement for the student, subject to the parent(s)' or guardian(s)' right to due process procedures.

*(continued on next page)*

## ***Involvement of Law Enforcement Officers and Crisis Teams***

Law enforcement officers may not be used to perform educational interventions, including regulated procedures, either on an emergency basis or in accordance with an IEP. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary consequence.

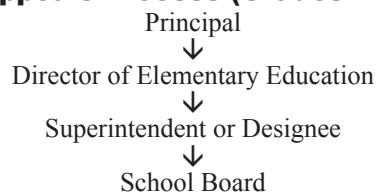
School staff members may report a crime suspected to have been committed by a child with a disability to law enforcement and law enforcement will be allowed to exercise its responsibilities to respond to reports of criminal conduct, including the removal of a student from school grounds in appropriate circumstances. School staff members shall neither request nor interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts will be made to inform a student's parent or guardian of the involvement of law enforcement. If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a law enforcement officer at the request of a school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the IEP is adequate or if additional evaluation is needed.

## ***Resolving Concerns***

Except when inconsistent with the process for dismissing students for misconduct detailed on pages 29-32, students who are concerned about a specific disciplinary action or student conduct violation may consult with their parent(s) or guardian(s), teachers and/or student support services staff (counselors, psychologists, etc.) to informally resolve the concern. If the concern cannot be resolved using these informal channels, students and parent(s) or guardian(s) may appeal their concerns through the channels listed in the appeals process shown below. (Students, parent[s] and guardian[s] are expected to appeal concerns in the order indicated by the arrows.)

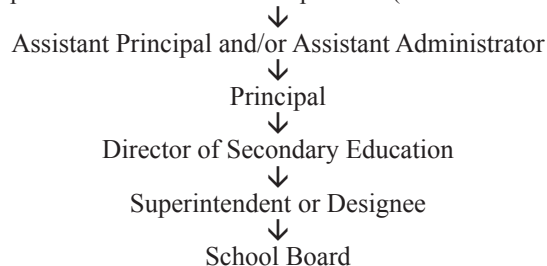
All district employees are expected to deal with students in a firm, fair and consistent fashion, to treat all students with respect and to recognize individual differences among students.

### **Appeals Process (Grades k-5)**



### **Appeals Process (Grades 6-12)**

Transportation Department Student Conduct Specialist (for incidents in district vehicles)



## ***Search and Seizure***

If the school administration has a reason to believe an illegal act or violation of school rules has been committed or is about to be committed, they are authorized to search the student and her or his personal property, including cell phones and vehicles, or any school district property used by the student, and seize any item the possession of which is specifically prohibited by law, district policies or school rules or which contains evidence of a violation of the law, district policies or school rules. Searches will be limited to circumstances in which there is reasonable suspicion that the search will produce evidence of the suspected misconduct. The scope and/or intrusiveness of the search must be reasonably related to the objectives of the search.

Whenever feasible, the student will be present when her or his property or school property which she or he uses, is being searched.

A general search of school properties, devices and technologies including, but not limited to, lockers, iPads, computers, computer networks or desks, may occur at any time, and items belonging to the school may be seized. (See below for more information regarding school lockers.) Schools may use specially trained dogs to detect and alert officials to the presence of prohibited items and illicit substances in lockers, common areas and/or school parking areas. If a dog alerts to an item in a locker or a vehicle, it may be searched by school officials.

All items seized will be given to the proper authorities or returned to the true owner.

In order to maintain a safe and healthy educational environment, planned and generalized schoolwide canine detection procedure (commonly referred to as canine sniff) of student lockers, desks, vehicles when parked on school property, and school facilities and grounds may be conducted periodically in District 196. In addition, canine detection may also be utilized when an administrator has a specific suspicion that contraband is present on school property. The contraband the canine may detect includes drugs, bomb devices and firearms.

**School Lockers** – School lockers are the property of the district. At no time does the district relinquish its exclusive control of lockers provided for the convenience of students.

Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent and without a search warrant.

The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules.

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

## ***Process for Student Dismissal: Removal from Class, Suspension, Exclusion and Expulsion***

### ***Grounds for Suspension, Exclusion or Expulsion***

Pursuant to Minnesota Statute 121A.45, a student may be suspended, excluded or expelled on any of the following grounds:

- Willful violation of any district policy or regulation, or school or classroom rule. Such regulations must be clear and definite to provide notice to students that they must conform their conduct to those requirements.
- Willful conduct that significantly disrupts the right of others to an education, or the ability of school personnel to perform their duties or school-sponsored cocurricular activities.
- Willful conduct that endangers district employees, the student or other students, surrounding persons or school property.

### ***Removal from Class/In-School Suspension (ISS)***

“Removal from class” and “removal” are defined as any actions taken by a teacher, principal or other district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five days.

“In-school suspension” (ISS) is defined as any action taken by a teacher, principal or other district employee to prohibit a student from attending more than one class and/or activity period for a period of time not to exceed five days.

“Class period” or “activity period” is defined as a block of time devoted to one subject area or activity.

A student may be removed from a class or activity period, or receive ISS after the teacher consults with and receives approval from the principal or his or her designee.

- The decision for removal or ISS will be made by the principal or his or her designee. The student will be notified verbally. The parent(s) or guardian(s) will be notified by telephone or first class U.S. mail.
- The student will be removed from class or receive ISS without an informal administrative conference if he or she exhibits willful conduct which materially and substantially disrupts the right of others to an education or willful conduct which endangers district employees, the student or other students or school property.
- The school retains custody of the student during the removal from class or ISS. The principal or his or her designee is responsible for the student who has been removed from class or suspended.
- Students will return to class upon completion of the removal or suspension period.
- After a student has been removed from class more than 10 times in one school year, the school shall notify and meet with the student’s parent or guardian to discuss the problem that is causing the student to be removed from class.

### ***Suspension from School/Out-of-School Suspension (OSS)***

The administration may suspend a student from school when necessary.

***Suspension from School for One Day or Less*** – When a student is suspended from school for one day or less, the student and his or her parent or guardian shall be notified about his or her suspension at or before the suspension is to take effect except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

***Suspension from School for More than One Day*** – “Suspension” means an action taken by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than 10 school days. (This definition does not apply to dismissal from school for one school day or less.)

Before OSS begins, the school administration shall attempt to provide alternative educational services except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

When a student is suspended for more than one day, the student shall have an informal administrative conference 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 or before the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension and provide an explanation of the evidence the authorities have, and the student may present the student’s version of the facts.

The following documents 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 U.S. mail within 48 hours of the conference:

- A written notice containing the grounds for suspension;
- A brief statement of the facts;
- A description of the testimony;
- A readmission plan;
- A copy of Minnesota Statutes 121A.40 to 121A.56, and
- Appropriate alternative educational services (when required by law). (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 assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center selected to allow the student to progress toward meeting graduation requirements.)

If a student’s total days of removal from school exceeds 10 cumulative days in a school year, the district shall make reasonable attempts to convene a meeting with the student and the student’s parent or guardian prior to removing the student from school, and with the permission of the parent or guardian arrange for a mental health screening for the student. (The district will not pay for the assessment unless it is part of an assessment for special education purposes.) The purpose of the meeting shall be to attempt to determine the student’s need for assessment, other services, or whether the

*(continued on next page)*

parent or guardian should have the student assessed to determine whether the student needs treatment for a mental health disorder.

The district shall make reasonable efforts to notify the parent(s) or guardian(s) of the suspension by telephone as soon as possible following suspension.

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 self or to surrounding persons or property, the written notice shall be served upon the student and the student's parent(s) or guardian(s) by U.S. mail within 48 hours of the conference. Service by U.S. mail is complete upon mailing. A copy will be retained by the principal.

**Consecutive Suspensions** – Suspension may not be consecutively imposed against the same student for the same course of conduct or incident of misconduct except in the following circumstances:

- When the student will create an immediate and substantial danger to self or to surrounding persons or property, or
- When the district is in the process of initiating an expulsion, in which case the administration may extend the suspension up to 15 days.

A separate administrative conference is required for each period of suspension.

**Notice of Right to be Reinstated** – Whenever a student fails to return to school within 10 days of the termination of dismissal, the school administrator shall inform the student and his or her parent(s) or guardian(s) by U.S. mail of the student's right to attend and to be reinstated in the public school.

### **Exclusion and Expulsion**

"Exclusion" means a School Board action to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year.

"Expulsion" means an action taken by the School Board to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.

- The School Board is the only authority that may exclude or expel a student. No exclusion or expulsion may be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent(s) or guardian(s). A Waiver of Hearing will be used for this purpose.
- A Notice of Intended Action and Hearing will be handled by the superintendent in the following manner:
  - Be served upon the student and his or her parent(s) or guardian(s) personally or by U.S. mail;
  - Contain a complete statement of facts, a list of witnesses and a description of their testimony;
  - State the date, time and place of the hearing;
  - Be accompanied by a copy of Minnesota Statutes 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(s) or guardian(s) of the right to:

- ... Have a representative of the student's own choosing, including legal counsel, at the hearing. (The district shall advise the student's parent(s) or guardian(s) 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.);

- ... Examine the student's records before the hearing;

- ... Present evidence, and

- ... Confront and cross-examine witnesses.

**Hearing** – The hearing shall be scheduled within 10 days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the School Board, student, or parent(s) or guardian(s).

- The School Board may appoint a hearing officer for exclusion or expulsion of students.
- The superintendent shall designate the site of hearings. Clerical assistance and supplies expenses shall be borne by the district.
- The hearing shall be at a time and place reasonably convenient to the student and parent(s) or guardian(s).
- The hearing shall be closed unless the student, or parent(s) or guardian(s) request an open hearing.
- The student shall have a right to a representative of his or her own choosing, including legal counsel.
- The hearing shall take place before an independent hearing officer, a member of the School Board, a committee of the board or the full board, as determined by the School Board.
- The hearing shall be conducted in a fair and impartial manner.
- The School Board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
- Testimony shall be given under oath. The hearing officer or a member of the board shall have the power to issue subpoenas and administer oaths.
- At a reasonable time before the hearing, the student, parent(s) or guardian(s), or his or her representative shall be given access to all public school district records pertaining to the student, including any tests or reports upon which the proposed action may be based.
- The student, parent(s) or guardian(s), or his or her representative shall have the right to compel the attendance of any official employee or agent of the district or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and cross-examine any witness testifying for the district.
- The student, parent(s) or guardian(s), or his or her representative shall have the right to present evidence and testimony, including expert psychological or educational testimony.
- The student cannot be compelled to testify in the dismissal proceedings.
- A copy of the hearing record will be made available to the student or his or her parent(s) or guardian(s) or representative in transcript form as determined by the School Board upon request and without charge.

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- The recommendation of the hearing officer or board member or committee shall be based solely on substantial evidence presented at the hearing and must be made to the board and served upon the parties within two days of the end of the hearing.
- The School Board shall base its decision upon the recommendation of the hearing officer or board member or committee, and shall render its decision at a special meeting within five days after receiving the recommendation.
- The School Board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations 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 Minnesota Commissioner of Education of the basis and reason for the decision.

**Appeal** – A party to an exclusion or expulsion decision made under Minnesota Statutes 121A.40 to 121A.56 may appeal the decision to the Minnesota 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(s) or guardian(s) with a complete copy of the hearing record within five days.
- All written submissions by the appellant must be submitted and served on the respondent within 10 days of its actual receipt of the transcript.
- All written submissions by the respondent must be submitted and served on the appellant within 10 days of its actual receipt of the written submissions of the appellant.
- In accordance with state law, the decision of the School Board will be implemented during the appeal to the commissioner.
- In an appeal under this section, the commissioner may affirm the decision of the agency, may remand the decision for additional findings, or may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions or decisions are:
  - In violation of constitutional provisions;
  - In excess of the statutory authority or jurisdiction of the school district;
  - Made upon unlawful procedure, except as provided in Minnesota Statute 121A.48;
  - Affected by other error of law;
  - Unsupported by substantial evidence in view of the entire record submitted, or
  - Arbitrary or capricious.

The commissioner or his or her representative shall make a final decision based upon the record of evidence. The commissioner shall issue a decision within 30 calendar days of receiving the entire record and the parties' written submission on appeal. The commissioner's decision shall be final and binding upon the parties after the time for appeal expires under Minnesota Statute 121A.50.

**Judicial Review** – The decision of the Minnesota Commissioner of Education made under Minnesota Statutes 121A.40 to 121A.56 is subject to judicial review under Minnesota Statutes 14.63 to 14.69. The decision of the commissioner is stayed pending an appeal under this section.

**Reports to Service Agency** – The School Board shall report any action taken pursuant to Minnesota Statutes 121A.40 to 121A.56 to the appropriate public service agency, when the student is under the supervision of such agency.

**Report to Minnesota Commissioner of Education** – The School Board shall report such exclusion or expulsion within 30 days of the effective date of the action to the Commissioner of Education through the electronic reporting system.

- This report shall 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 School Board must include state student identification numbers of affected students on all dismissal reports required by the Department of Education.

**Notice of Right to Be Reinstated** – Whenever a student fails to return to school within 10 school days of the termination of dismissal, a school administrator shall inform the student and the student's parent(s) or guardian(s) by U.S. mail of the student's right to attend and to be reinstated in the public school.

**Admission or Readmission Plan** – A school administrator shall 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 Minnesota Statute 120B.232, subd. 1, requiring parental involvement in the admission or readmission process, and indicating the consequences to the student of not improving his or her behavior.

This information will help parents/guardians make informed decisions that benefit their children, schools, and communities.

## Why statewide testing?

Minnesota values its educational system and the professionalism of its educators. Minnesota educators created the academic standards which are rigorous and prepare our students for career and college.

The statewide assessments are how we as a state measure that curriculum and daily instruction in our schools are being aligned to the academics standards, ensuring all students are being provided an equitable education. Statewide assessment results are just one tool to monitor that we are providing our students with the education that will ensure a strong workforce and knowledgeable citizens.

## Why does participation matter?

A statewide assessment is just one measure of your student's achievement, but your student's participation is important to understand how effectively the education at your student's school is aligned to the academic standards.

- In Minnesota's implementation of the federal Every Student Succeeds Act, a student not participating in the statewide assessments will not receive an individual score and for the purpose of school and district accountability calculations, including opportunities for support and recognition, will not be considered "proficient."
- Students who receive a college-ready score on the high school MCA are not required to take a remedial, noncredit course at a Minnesota State college or university in the corresponding subject area, potentially saving the student time and money.
- Educators and policy makers use information from assessments to make decisions about resources and support provided.
- Parents and the general public use assessment information to compare schools and make decisions about where to purchase a home or to enroll their children.
- School performance results that are publicly released and used by families and communities, are negatively impacted if students do not participate in assessments.
- English learners not taking ACCESS or Alternate ACCESS for ELLs will not receive a score to meet English learner program exiting criteria.

## Academic Standards and Assessments

### What are academic standards?

The [Minnesota K–12 Academic Standards](#) are the statewide expectations for student academic achievement. They identify the knowledge and skills that all students must achieve in a content area and are organized by grade level. School districts determine how students will meet the standards by developing courses and curriculum aligned to the academic standards.

### What is the relationship between academic statewide assessments and the academic standards?

The statewide assessments in mathematics, reading, and science are used to measure whether students, and their school and district, are meeting the academic standards. Statewide assessments are one measure of how well students are doing on the content that is part of their daily instruction. It is also a measure of how well schools and districts are doing in aligning their curriculum and teaching the standards.

<b>Minnesota Comprehensive Assessments (MCA) and Minnesota Test of Academic Skills (MTAS)</b>	<b>ACCESS and Alternate ACCESS for English Learners</b>
<ul style="list-style-type: none"> <li>• Based on the Minnesota Academic Standards; given annually in grades 3–8 and high school in reading and mathematics; given annually in grades 5, 8, and high school for science.</li> <li>• Majority of students take the MCA.</li> <li>• MTAS is an option for students with the most significant cognitive disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Based on the WIDA English Language Development Standards.</li> <li>• Given annually to English learners in grades K–12 in reading, writing, listening, and speaking.</li> <li>• Majority of English learners take ACCESS for ELLs.</li> <li>• Alternate ACCESS for ELLs is an option for English learners with the most significant cognitive disabilities.</li> </ul>

## Why are these assessments effective?

Minnesota believes that in order to effectively measure what students are learning, testing needs to be more than answering multiple choice questions.

- To answer questions, students may need to type in answers, drag and drop images and words, or manipulate a graph or information.
- The Reading and Mathematics MCA are adaptive, which means the answers a student provides determine the next questions the student will answer.
- The Science MCA incorporates simulations, which require students to perform experiments in order to answer questions.

All of these provide students the opportunity to apply critical thinking needed for success in college and careers and show what they know and can do.

## Are there limits on local testing?

As stated in Minnesota Statutes, section 120B.301, for students in grades 1–6, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed 10 hours per school year. For students in grades 7–12, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school year. These limits do not include statewide testing.

In an effort to encourage transparency, the statute also requires a district or charter school, before the first day of each school year, to publish on its website a comprehensive calendar of standardized tests to be administered in the district or charter school during that school year. The calendar must provide the rationale for administering each assessment and indicate whether the assessment is a local option or required by state or federal law.

## What if I choose not to have my student participate?

Parents/guardians have a right to not have their student participate in state-required standardized assessments. Minnesota Statutes require the department to provide information about statewide assessments to parents/guardians and include a form to complete if they refuse to have their student participate. This form follows on the next page and includes an area to note the reason for the refusal to participate. Your student's district may require additional information.

A school or district may have additional consequences beyond those mentioned in this document for a student not participating in the state-required standardized assessments. There may also be consequences for not participating in assessments selected and administered at the local level. Please contact your school for more information regarding local decisions.

## When do students take the assessments?

Each school sets their testing schedule within the state testing window. Contact your student's school for information on specific testing days.

- The MCA and MTAS testing window begins in March and ends in May.
- The ACCESS and Alternate ACCESS for ELLs testing window begins at the end of January and ends in March.

## When do I receive my student's results?

Each summer, individual student reports are sent to school districts and are provided to families no later than fall conferences. The reports can be used to see your child's progress and help guide future instruction.

## How much time is spent on testing?

Statewide assessments are taken one time each year; the majority of students test online. On average, the amount of time spent taking statewide assessments is **less than 1 percent of instructional time** in a school year. The assessments are not timed and students can continue working as long as they need.

## Why does it seem like my student is taking more tests?

The statewide required tests are limited to those outlined in this document. Many districts make local decisions to administer additional tests that the state does not require. Contact your district for more information.

## Where do I get more information?

Students and families can find out more on our [Statewide Testing page](#) (education.mn.gov > Students and Families > Programs and Initiatives > Statewide Testing).

Minnesota Statutes, section 120B.31, subdivision 4a, requires the commissioner to create and publish a form for parents and guardians to complete if they refuse to have their student participate in state-required standardized assessments. Your student's district may require additional information. School districts must post this three-page form on the district website and include it in district student handbooks.

## Parent/Guardian Refusal for Student Participation in Statewide Assessments

**To opt out of statewide assessments, the parent/guardian must complete this form and return it to the student's school.**

*To best support school district planning, please submit this form to the student's school no later than January 15 of the academic school year. For students who enroll after a statewide testing window begins, please submit the form within two weeks of enrollment. A new refusal form is required **each year** parents/guardians wish to opt the student out of statewide assessments.*

Date \_\_\_\_\_ (This form is **only** applicable for the 20 \_\_\_\_ to 20 \_\_\_\_ school year.)

Student's Legal First Name \_\_\_\_\_ Student's Legal Middle Initial \_\_\_\_\_

Student's Legal Last Name \_\_\_\_\_ Student's Date of Birth \_\_\_\_\_

Student's District/School \_\_\_\_\_ Grade \_\_\_\_\_

**Please initial to indicate you have received and reviewed information about statewide testing.**

\_\_\_\_\_ I received information on statewide assessments and choose to opt my student out. MDE provides the *Parent/Guardian Guide and Refusal for Student Participation in Statewide Testing* on the [MDE website](#) (education.mn.gov > Students and Families > Programs and Initiatives > Statewide Testing).

Reason for refusal:

Please indicate the statewide assessment(s) you are opting the student out of this school year:

\_\_\_\_\_ MCA/MTAS Reading \_\_\_\_\_ MCA/MTAS Science

\_\_\_\_\_ MCA/MTAS Mathematics \_\_\_\_\_ ACCESS/Alternate ACCESS for ELLs

Contact your school or district for the form to opt out of local assessments.

**I understand that by signing this form, my school and I may lose valuable information about how well my student is progressing academically. As a result, my student will not receive an individual score. Refusing to participate in statewide assessments may impact the school, district, and state's efforts to equitably distribute resources and support student learning; for the purpose of school and district accountability calculations, my student will not be considered "proficient."**

**If my student is in high school, I understand that by signing this form my student will not have an MCA score that could potentially save time and money by not having to take remedial, non-credit courses at a Minnesota State college or university.**

Parent/Guardian Name (print) \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_

To be completed by school or district staff only. Student ID or MARSS Number \_\_\_\_\_



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