

# School District 197 Student Rights and Responsibilities Handbook





West St. Paul-Mendota Heights-Eagan Area Schools (School District 197) is committed to caring relationships, equitable practices, and high achievement for all. In order to achieve this mission, it is the responsibility of students, staff, families, and the community to work together to build a strong and safe educational environment.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

Students who attend School District 197 schools have responsibilities to teachers, other staff and fellow students. Students have other rights guaranteed by the Constitution and by state and local laws. The rights and responsibilities below are not all-inclusive and do not cover every situation that may arise.

### **Attendance**

It is important that students attend school every day to gain the academic knowledge and social/emotional skills to progress grade levels.

#### Student's Responsibility

It is the student's right to attend school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session and to be aware of and follow the correct procedures when absent from an assigned class or study hall. Finally, it is the student's responsibility to request any missed assignments due to absence.

#### Parent or Guardian's Responsibility

It is the responsibility of the student's parent or guardian to ensure the student is attending school, to inform the school in the event of a student's absence, and to work cooperatively with the school and the student to solve any attendance issues that may arise.

#### Teacher's Responsibility

It is the teacher's responsibility to take daily attendance and maintain accurate attendance records in each assigned class and study hall. It is also the teacher's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly. It is also the teacher's responsibility to provide any student who has been absent with any missed assignments upon request. Finally, it is the teacher's responsibility to work cooperatively with the student's parent or guardian and the student to solve any attendance issues that may arise.

#### Administrator's Responsibility

It is the administrator's responsibility to require students to attend all assigned classes and study halls. It is also the administrator's responsibility to be familiar with all procedures governing attendance and to apply these procedures uniformly to all students, to maintain accurate records on student attendance. Finally, it is the administrator's responsibility to inform the student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance issues.

### **Attendance and Open Enrollment**

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of sixteen

(16) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

### **Cellphones**

Students are required to follow the school's cellphone procedures on school grounds and at school sponsored activities. Students are prohibited from using a cell phone or other electronic communication device to engage in conduct prohibited by school district policies including, but not limited to, cheating, bullying, harassment, and malicious and sadistic conduct. If the school district has a reasonable suspicion that a student has violated a school rule or law by use of a cell phone or other electronic communication device, the school district may search the device. The search of the device will be reasonably related in scope to the circumstances justifying the search. Students who use an electronic communication device during the school day and/or in violation of school district policies may be subject to disciplinary action pursuant to the school district's discipline policy. In addition, a student's cell phone or electronic communication device may be confiscated by the school district and, if applicable, provided to law enforcement. Cell phones or other electronic communication devices that are confiscated and retained by the school district will be returned in accordance with school building procedures.

### **Equal Opportunity**

Students have the right of equal opportunity, as allowed by law, to participate in all school activities and school education programs for which they are eligible. Students are responsible for following the rules and procedures of the school-sponsored activity in which they participate, or others participate. Students may not discourage the participation of other students.

### **Fair Treatment**

Students have the right to due process as defined in the Minnesota Pupil Fair Dismissal Act when involved in a violation of district rules. Included is the opportunity to hear the nature of the violation and to give their account of the situation.

Students have the right to be informed of all applicable classroom and school rules, expectations, and procedures. Students are responsible for knowing and following all applicable classroom and school rules, expectations, and procedures.

Students have the right to be treated respectfully by district employees and other students. Students are responsible for responding to all directions or questions from staff and for following all laws, policies, rules, and expectations that apply to them.

Students are responsible for treating all persons respectfully and respecting the space and freedom of those around them.

### **Free Speech and Expression**

Students have the right to free speech so long as their speech does not violate the rights of others. Students are responsible for expressing opinions, publishing written materials, and distributing literature in such a manner that is not libelous, obscene, discriminatory, or sexually explicit; that does not contain references to alcohol, chemicals, tobacco, or other products that are illegal for use by minors; that does not interfere with the rights of

others; that does not disrupt the atmosphere of learning in the school; and that follows school rules and procedures regarding time, place and manner. Permission of the school principal or designee is required for distribution or posting of paper or electronic materials.

### **Gender Identity**

Students have the right to be identified by their name, pronoun, and asserted gender in school records, learning spaces, facilities, and extracurricular activities consistent with Board Policy and procedures.

Students or their guardian must communicate with school staff if their school records are not reflective of their name, pronoun, and/or gender identity.

### **Learning and Academic Work**

Students have the right to attend school and gain an education as provided by law. Attendance at a particular school is a privilege, not a right.

Students are responsible for daily attendance, for completing class assignments on time, and for bringing appropriate materials required for class use.

Students are responsible for behaving in such a manner that supports learning for all and does not pose a potential or actual danger to themselves or others and that is not disruptive to the learning process for others.

### **Legal Advice**

The Minnesota Department of Education has published a Legal Assistance Resource List that can be found here: <https://bit.ly/3JLLYio>. This list, which includes free and low-cost resources, provides information about legal assistance, advocacy services, and lawyer referral services.

### **Medications**

Students have the right to receive medications and medical procedures that must be administered during the school day in order for a student to attend school, in accordance with school district policy.

Families are responsible for communicating with the school nurse or other school staff about changes in medications or medical procedures when they must be administered during the school day. For more information, see Policy 516 Student Medication.

### **Non-Discrimination/Harassment-Free Environment**

The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, gender, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, or disability.

Students are responsible for treating other students and district employees respectfully and in a manner that does not discriminate or harass an individual based on protected class.

Students are responsible for reporting to staff (i.e., teacher or principal) incidents of bullying, discrimination, harassment, violence, or retaliation that they have experienced or of which they are aware. For more information, see Policies 413 Harassment & Violence, 514 Bullying Prohibition, 521 Student Disability Nondiscrimination, 522 Title IX Sex Nondiscrimination, and 526 Hazing Prohibition.

### **Personal Property and Privacy**

Students generally have a right of privacy in their persons and in their personal property on school district grounds and at school-sponsored or associated events.

Students must not bring onto school district property or to school-sponsored or associated events any item or material that violates school district policy, school rules, or state or federal law, or that would cause, or tend to cause, a disruption or endanger the health or safety of students or other people. Items prohibited include, but are not limited to, stolen goods, weapons and look alike weapons, and other illegal items.

According to Minnesota law (Minn. Stat. § 121A.72), students have the right to utilize school-owned property (e.g., lockers, desks, iPads) for storing appropriate items of personal property with the understanding that all school-owned property is within the exclusive control of the school district and may be searched by school authorities for any reason, at any time, without permission, consent or requirement for a search warrant.

#### Personal Possessions and Student's Person

When reasonable suspicion exists to believe a student possesses prohibited items or that a search will uncover evidence of a violation of a school rule or of the law, school officials may conduct a reasonable search of a student's person or property.

#### Lockers and Personal Possessions Within a Locker

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, the 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.

#### Patrols and Inspections of Motor Vehicles

School officials may conduct routine patrols of student parking lots and other school district locations and routine inspections of the exteriors of the motor vehicles of students. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

#### Search of the Interior of a Student's Motor Vehicle

The interior of a student's motor vehicle, including the glove and trunk compartments, in a school district location may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule.

The search will be reasonable in its scope and intrusiveness. Such searches may be conducted without notice, without consent, and without a search warrant. A student will be subject to loss of parking privileges and to discipline if the student refuses to open a locked motor vehicle or its compartments under the student's control upon a school official's request.

For more information related to searches, see District 197 Policy 502, Search of Student Lockers, Desks, Personal Possessions, and Student's Person.

### **Pledge of Allegiance / National Anthem**

Minnesota law requires all public schools to provide students the opportunity to recite the Pledge of Allegiance at least once a week (unless the School Board votes to waive this requirement).

Anyone who does not wish to participate in reciting the Pledge of Allegiance or National Anthem for any personal reasons may elect not to do so, and students must respect another person's right to make that choice. Students who choose to not participate must be quiet and respectful. For more information related to the Pledge of Allegiance see District 197 Policy 531, The Pledge of Allegiance.

### **Pupil Fair Dismissal Act**

Students have the right to receive a public education. When a public school dismisses a student from school, the school must provide due process protections to the student. Those due process protections, some of which are outlined below, are described in a Minnesota law called the Pupil Fair Dismissal Act.

Suspension procedures must include (with limited exceptions):

- Informal administrative conference held with the pupil before the suspension where the pupil can share their version of the facts
- Administrator notifies pupil of grounds for suspension
- Written notice of grounds for suspension, a brief statement of the facts, a description of the testimony provided, a readmission plan, and a copy of the Pupil Fair Dismissal Act is provided

School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments.

Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school days. Suspension of Prek through grade 3 students is prohibited except in certain circumstances.

The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability.

### **School Access for Post-Secondary Enrollment Options (PSEO) Students**

A high school student enrolled in a PSEO course may remain at the school site during regular school hours. Students who wish to stay at school should meet with their counselor or an administrator to arrange for supervision, a study area, technology, etc.

## **Student Dress and Appearance**

Students have the right to choose their manner of dress and personal grooming unless it presents a clear danger to the student's health or safety, causes an interference with schoolwork, or creates classroom or school disorder. Students are responsible for wearing clothes that are appropriate for school.

To maintain a safe learning environment, students' dress cannot:

- Be a health and/or safety hazard
- Be lewd, vulgar, or obscene
- Be sexually explicit
- Be discriminatory
- Display words, emblems, signs, objects, or images that communicate a message that is racist, sexist, or otherwise derogatory
- Display references to alcohol, chemicals, tobacco, or other products that are illegal for use by minors
- Cause harm to school facilities (e.g. shoes that damage floors)

When, in the judgment of the administration, a student's appearance or dress interferes with or disrupts the educational process or school activities, or poses a threat to the health or safety of the student or others, the student will be directed to make modifications or will be sent home for the day. Parents/guardians will be notified.

## **Student Government**

Students have the opportunity to form and participate in student government that is open to all members of the student body being represented. The purpose of the existence of student government is to represent and to be responsive to the needs of all students.

## **Student Publications and Materials**

The school district's policy is to protect students' free speech rights while, at the same time, preserving the district's obligation to provide a learning environment that is free of disruption. All school publications are under the supervision of the building principal and/or sponsor. Nonschool-sponsored publications may not be distributed without prior approval.

### Distribution of Nonschool-Sponsored Materials on School Premises

The school district recognizes that students and employees have the right to express themselves on school property. This protection includes distributing nonschool-sponsored material, subject to school district regulations and procedures, at a reasonable time and place and in a reasonable manner. For detailed information, see complete "Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees" policy 505.

### School-Sponsored Media

The school district may exercise editorial control over the style and content of student expression in school-sponsored media as defined in district procedures. Student media advisers shall supervise student writers to ensure compliance with the law and school district policies. Students producing school-sponsored media and participating in school activities will be under the supervision of a student media adviser and the school principal.

Expression in school-sponsored media or school-sponsored activity is prohibited when the material:

- is obscene to minors;
- is defamatory;
- is profane, harassing, threatening, or intimidating;
- constitutes an unwarranted invasion of privacy;
- violates federal or state law;
- causes a material and substantial disruption of school activities;
- is directed to inciting or producing imminent lawless action on school premises or the violation of lawful school policies or rules, including a policy adopted in accordance with Minnesota Statutes, section 121A.03 or 121A.031;
- advertises or promotes any product or service not permitted for minors by law;
- expresses or advocates sexual, racial, or religious harassment or violence or prejudice; or
- is distributed or displayed in violation of time, place, and manner regulations.

Expression in school-sponsored media or school-sponsored activity is subject to school district editorial control over the style and content when the school district's actions are reasonably related to legitimate pedagogical concerns. School-sponsored media may be distributed at reasonable times and locations

### **Student Records - Infinite Campus Portal**

Students have the right to privacy regarding their school records. Any disclosure of information from student records will be consistent with legal requirements and policy established by the school district. Students, parents and guardians have the right to review the student's grades, attendance, assessment data, and other academic records on Infinite Campus Portal. [isd197.org/infinitecampus](https://isd197.org/infinitecampus). For more information see Policy 515 Protection & Privacy of Pupil Records.

### **Technology Usage and Safety**

Teachers and staff believe strongly in the ability of technology to enhance and personalize learning. Students use iPads (elementary and middle school) and laptops (high school) to access course content, complete homework, collaborate and communicate with classmates, conduct research and more. In middle school, all students are assigned an iPad. Students are required to turn in their iPads at the end of each year, along with the charger. In high school, all students have two options: use a school-owned device or bring one from home (Bring Your Own Device or BYOD). Students who choose to use a school-owned device are assigned a Chromebook when they enter Two Rivers High School, and they may use it until they leave or graduate, when they will be required to turn it back in, along with the charger.

It is expected that all school-owned iPads and laptops will be brought to school each day, stay in good condition throughout each school year and remain in an acceptable working order. If a district-owned laptop/iPad/ device is lost or damaged, it may be the student's responsibility to pay a replacement fee. Students should report any loss, damage, or theft as soon as possible.

If a high school student chooses to bring a laptop to school that they currently own or purchase, it must meet a set of minimum requirements in regard to size and hardware.

Tablets and iPads are not allowed at Two Rivers. Learn more at <https://tworivers.isd197.org/student-life/tech-resources>

Additional technology resources for School District 197 can be found at:  
[www.isd197.org/parent-family-hub/tech-resources](http://www.isd197.org/parent-family-hub/tech-resources).

### Student's Responsibility - Technology Code of Ethics

Acceptable use of the school district's computer system, which includes Internet access, electronic technologies, cloud-based tools and electronic communications, in School District 197 is outlined in School Board Policy 524, which is signed by students and parents/guardians and available on the District website at [www.isd197.org](http://www.isd197.org). This policy covers use of the school district system on or off district property and/or personal electronic technologies while on district property and/or the district system. In the West St. Paul-Mendota Heights-Eagan Area Schools, it is important to use information and technology in safe, legal, and responsible ways. We embrace these conditions as facets of being a digital citizen and strive to help students develop a positive digital footprint.

1. Students accessing or using cloud-based tools including, but not limited to, blogs, wikis, podcasts, Google applications, Canvas, and SeeSaw for student assignments are required to keep personal information out of their postings.
2. Students must select online names that are appropriate and will consider the information and images that are posted online at an age-appropriate level.
3. Students must not log in to the network as another classmate.
4. Students using cloud-based tools must treat these tools as a classroom space. Speech that is inappropriate for class is not appropriate on cloud-based tools. Students are expected to treat others and their ideas online with respect.
5. Assignments on cloud-based tools are like any other assignment in school. Students, in the course of completing the assignment, are expected to abide by policies and procedures in the student handbook, including those policies regarding plagiarism and acceptable use of technology.
6. Student blogs are to be a forum for student expression; however, they are first and foremost a tool for learning. The district may restrict speech for valid educational reasons as outlined in board policy.
7. Students must not use the Internet to harass, discriminate, bully, or threaten the safety of others. If students receive a comment on a blog or other cloud-based tool used in school that makes them feel uncomfortable or is not respectful, they must report this to a teacher and must not respond to the comment.
8. Students accessing cloud-based tools from home or school, using the district technology system, must not download or install any software without permission and not click on ads or competitions.
9. Students should be honest, fair, and courageous in gathering, interpreting, and expressing information for the benefit of others. Always identify sources and test the accuracy of information from all sources.
10. Students must treat information, sources, subjects, colleagues, and information consumers as people deserving of respect. Gathering and expressing information should never cause harm or threaten to be harmful to any person or group of people.
11. Students are accountable to their readers, listeners, and viewers and to each other. Students should admit their mistakes and correct them promptly while also exposing the unethical information and practices of others.

12. Students shall not record, photograph, or video other students or school employees on school property, on a school bus, or at school-sponsored activities without their knowledge and consent, except for activities considered to be in the public arena (e.g., sporting events, public meetings, academic competitions or public performances). School social events, activities sponsored by student clubs, team-building retreats, and activities that take place during the school day are not considered to be in the public arena.
13. School board policies concerning acceptable use of electronic technology include the use of these cloud-based tools for school activities (Policy 524 – Internet and Electronic Resources Acceptable Use).
14. Failure to follow this code of ethics will result in academic sanctions and/or disciplinary action. Students who inadvertently access unacceptable materials or an unacceptable Internet site must immediately disclose it to their teacher or a school administrator.

#### Parent or Guardian Responsibility

Outside of school, parents bear responsibility for the same guidance of Internet and cloud-based tool use as they exercise with information sources such as television, telephones, radio, movies, and other possibly offensive media. Parents are responsible for monitoring their student's use of the district technology system and of the Internet from home or a remote location.

#### **Transportation**

When riding a school bus or van to or from school, a student has the right to a safe ride that is free from intimidation, threat, or harassment.

Transportation is a privilege, not a right for an eligible student. Students who use bus services must comply with the district's transportation policies (Board Policies 707, 708 & 709) and procedures, which can be found at [www.isd197.org/schoolboard/policies](http://www.isd197.org/schoolboard/policies). Students who are involved in serious or repeated incidents of unacceptable student conduct on the school bus or at the school bus stop may have their riding privileges suspended or revoked, including bus transportation for field trips.

When parking in school or district lots, School District 197 accepts no responsibility for loss of personal property or damages to a car. Student parking at the high school requires a permit. Students who park illegally or without a permit in designated areas may be ticketed.

#### Student's Responsibility

Students are responsible to adhere to the expected behaviors while on the school bus and while in school bus loading and unloading areas. Problem behaviors occurring on the school bus will be managed in accordance with the Rights & Responsibilities Student Handbook.

#### Parent or Guardian's Responsibility

Parents/Guardians of transported students are responsible for supervising their children until their children board the school bus in the morning and after their children leave the bus at the end of the school day.

The parent or guardian of a student suspended from transportation is responsible for ensuring that the student travels safely to and from school and that the student arrives to school on time.

For more information see School District 197 Policy 709 Student Transportation Safety.

## **STANDARDS OF STUDENT BEHAVIOR**

The Student Behavior Handbook explains what staff and schools do to create an environment that supports student learning. It is also a tool to help students and their families understand the consequences for behavior that is not appropriate in school. The information in this handbook helps us to create safe, respectful, and supportive learning environments.

Schools also work to create positive, safe, and respectful learning environments by implementing proactive strategies and programs in which students are taught positive behavioral and social practices. Some programs include: Positive Behavioral Interventions and Supports (PBIS), Responsive Classroom, Conscious Discipline, Restorative Practices, and Conflict Resolution.

School District 197's School Board creates and adopts policies to guide the actions of everyone in the district. The Superintendent, with the administrative team, develops procedures to show how these policies will be implemented. Principals and program administrators may add further rules and procedures necessary for their students, staff and school community. Teachers and other staff then work with students to set and follow the expectations for how they will work together in each classroom. Adult staff members are held to high standards of behavior and are subject to all applicable laws, School Board policies, and Human Resources' rules and practices.

This handbook applies to incidents and situations that occur on any property owned or controlled by the district or occurring in connection with any activity sponsored by or associated with the district. This handbook may also apply to incidents involving District 197 students if an unapproved connection or association to the district or its staff is explicitly or implicitly stated or inferred (for example, hazing).

For more information see School District Policy 506 Student Discipline.

## **RESPONSES AND LEVELS OF BEHAVIOR VIOLATIONS**

This section of the summary divides problem behaviors into four levels of violations with examples of interventions and disciplinary responses.

- Interventions and restorative responses are opportunities for students to learn appropriate behavior with the goal of facilitating positive behavioral change. Interventions may involve school staff as well as support staff in the broader community.
- Disciplinary responses may also be used. Every reasonable effort should be made to repair harm and change problem behavior using interventions and the least severe disciplinary responses possible.

These guidelines describe the various administrative actions that may be taken for violations of the school district's rules, policies, procedures and the law. Interventions and responses shall be enforced within the general guidelines outlined in the Violations Levels I-IV. A Level I violation is the least severe and a Level IV violation is the most severe.

Factors to be considered prior to assigning administrative actions:

- The student's age, maturity and understanding of the impact of their behavior
- The student's ability and/or willingness to repair the harm caused by the behavior
- Previous interventions and consequences applied
- The circumstances and context, severity and frequency of the behavior
- The student's individualized Education Plan (IEP) or 504 plan, if applicable
- Unless otherwise noted, these policies apply to student behavior occurring on any property owned or controlled by School District 197 or occurring in connection with any activity sponsored by or associated with the district.

## **LEVEL I**

Level I interventions are generally addressed by school staff members with a focus on re-teaching safe and respectful behaviors. Part of a day to one day of dismissal or suspension may occur depending on the severity and frequency of the violation.

### **Level I Responses and Interventions**

Level I incidents generally do not result in removal from school but may result in removal depending on the intensity and/or frequency of the behavior.

Interventions aim to correct and teach alternative behavior so students can learn and demonstrate safe and respectful behavior. School staff members can use a variety of classroom management strategies that may include:

- Re-teach expected behavior/skill
- Verbal or nonverbal redirection
- Modeling
- Written reflection/ apology
- Seat change
- Teacher/ student conference
- Daily progress sheets
- In-class time-out
- Restitution (fix it plan/ contract)
- Short-term removal from class
- Loss of privilege(s)

**Appropriate staff interventions may involve the parent/ guardian and other members of the school community. Interventions may include:**

- Student conference
- Parent/guardian notification
- Parent/guardian/ teacher conference
- Parent/guardian accompanying student to school or class
- Removing, adjusting, or covering up clothing that violates student appearance requirements
- In-school community service
- Conflict resolution
- Contract between teacher, student, and parent/guardian
- Referral
- Detention
- In-school suspension for one hour or more, but not more than one day
- Dismissal from school for one day or less (in accordance with School District 197 policy)

\*A severe or repeated occurrence may be treated as a violation at a higher level.

**LEVEL II Responses and Interventions**

In addition to example Level I interventions listed above, Level II behaviors may result in suspension from school for up to 3 days.

\*A severe or repeated occurrence may be treated as a violation at a higher level.

\*\*Repeated instances of a level II violation may be treated as a violation at a higher level only when appropriate interventions have been attempted over a reasonable amount of time and documented in the student's record.

**LEVEL III Responses and Interventions**

In addition to Level I and II interventions listed above, Level III behaviors may result in suspension from school for up to 5 days, an interim alternative educational placement, and possible notification of the police. The duration of a suspension or interim alternative educational placement is limited as much as is practicable while adequately addressing the behavior and keeping the learning environment safe.

\*A severe or repeated occurrence may be treated as a violation at a higher level.

\*\*Repeated instances of a level III violation may be treated as a violation at a higher level only when appropriate interventions have been attempted over a reasonable amount of time and documented in the student's record.

## **LEVEL IV Responses and Interventions**

Level IV violations require the principal to notify the police and make a referral for an expulsion or exclusion to the Superintendent or designee.

The response involves the removal of the student from the school environment because of the severity of the behavior. A Level IV intervention may involve the placement of the student in a safe environment that provides additional structures to address behavior. These interventions focus on maintaining the safety of the school community and ending self-destructive and/or dangerous behavior.

## **VIOLATIONS**

Please refer to the Glossary for additional terms or definitions.

### **Absence, Tardiness (Level I)**

Arriving late to school or to class.

### **Absence, Unexcused (Level I)**

Unauthorized absence from school or class.

### **Academic Dishonesty (Cheating or Plagiarizing) (Level I)**

Including, but not limited to, copying the work of others on school assignments or tests and using the ideas or writing of another person, including work accessed digitally without appropriate credit. Cheating also includes misuse of technology to view, photograph, illegally copy or download materials from the Internet to complete an assignment or test when prohibited from doing so, or use of a personal electronic device to text answers, etc.

### **Alcohol, Possession/Use/Solicitation/Sale/Under the Influence (Level III)**

Possession, use, solicitation, sale, or being under the influence of any alcoholic product while on school grounds or at school-sponsored activities. Student may be referred for a chemical use assessment and the police.

### **Arson (Level III)**

The intentional destruction of or damage to property by means of fire or explosives, with or without an accelerant.

### **Assault, Physical (Level III)**

Touching or striking another individual intended to inflict bodily harm to an individual. Does not include minor physical contact.

### **Assault, Aggravated (Level IV)**

The intentional infliction of substantial bodily harm, or great bodily harm upon another, or committing an act with a firearm, dangerous weapon or other weapon with intent to cause fear in another of immediate bodily harm or death.

### **Bullying (Level II)**

Harming behavior that involves a real or perceived power imbalance. There is a pattern of behavior, or the behavior substantially interferes with a student's educational opportunities.

## **VIOLATIONS CONTINUED**

### **Bullying Using Technology (Cyberbullying) (Level II)**

This type of bullying takes place online or through technology and may take place in a variety of ways, including but not limited to, verbal bullying, or social bullying.

### **Damage to Property (Vandalism) (Level I)**

Willful or malicious destruction or damage of school or personal property on school grounds, or at a school sponsored activity, without the consent of the owner. The cost associated with the damage may play a role in determining the level of the violation.

### **Defiance of Authority (Insubordination) (Level I)**

Willful refusal to follow directions given by a staff member.

### **Disorderly Conduct (Level II)**

Whenever a student: 1. Engages in brawling or physical contact; or disturbs a lawful assembly or meeting; or engages in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others, 2. and the student knows, or has reasonable grounds to know, that such conduct will, or will tend to, alarm, anger, or disturb others or provoke an assault or breach of the peace by others, then the student has violated the rule against disorderly conduct.

### **Disruptive Behavior (Level I)**

Situations and/or actions that staff members believe interfere with, or have the potential to interfere with, effective learning and/or operations of the school, safety of self and others to or from school.

### **Drugs or Controlled Substance, Possession/ Use/ Soliciting/Selling (Level III)**

The unlawful use, cultivation, manufacture, distribution, sale, purchase, possession, or transportation of any drugs or controlled substance; unlawfully being under the influence of any drugs or controlled substance; or possession of equipment or devices used for preparing or taking drugs or controlled substances. Student may be referred for a chemical use assessment and the police.

### **Explosive Device (Level IV)**

Bombs, grenades, mines, rockets, missiles, pipe bombs, or similar devices designed to explode and capable of causing bodily harm or property damage.

### **Extortion (Level II)**

Obtaining money, property, or services of another person against their will through coercion, intimidation, or threat of physical harm.

### **Fighting (Level II)**

Two or more persons have mutually participated in the use of force or physical violence that may require intervention to end the altercation, physical restraint, or results in injury. Fighting does not include conduct rising to the level of physical assault, nor does it include roughhousing or play fighting. Note: Typically treated as a Level III at high school due to students' age and maturity.

## **VIOLATIONS CONTINUED**

### **Fire Alarms (Level II)**

Tampering or interfering with any fire alarm system, or engaging a fire alarm without reasonable suspicion of a fire.

### **Firearm (Level IV)**

Gun or rifle that fires ammunition by force of explosion or combustion. Does not include BB guns, air guns, or lookalike guns.

### **Gambling (Level I)**

Playing of a game of chance for money and/or other things of value.

### **Gang Activity (Level II)**

Student misconduct may also constitute gang activity if it meets the following criteria:

1. The student/participant belongs to or associates with a group of three or more people who band together under a common identifying symbol, sign, or name, and 2. the participant, while under the supervision of District 197 personnel, participates in a separate violation listed in this handbook to further an implicit or explicit goal of the gang/group. Gang activity is only an additional violation to a primary violation of another rule of student behavior.

### **Harassment (Level II)**

Physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability, when the conduct: 1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or 3. otherwise adversely affects an individual's employment or academic opportunities.

### **Hazing (Level III)**

Committing an act against a student, or coercing a student into committing an act, that endangers the mental or physical health or safety of that student, in order for the student to be initiated into or affiliated with a student organization. A student organization does not include a gang, and is rather a group, club, or organization having students as its primary members or participants.

### **Incapacitation Device, Possession, with use or intent to use (Level III)**

A device designed to temporarily immobilize or incapacitate people such as taser, stun guns, or tear gas derivative.

### **Incapacitation Device, Possession, without use or intent to use (Level III)**

Possession of a device designed or intended by the manufacturer to be used to temporarily immobilize or incapacitate persons by means of electronic pulse or a current; any pain compliance device; or tear gas or tear gas derivative, or any substance intended to function similar to tear gas.

## **VIOLATIONS CONTINUED**

### **Language, Inappropriate (Level I)**

Swearing, obscenities, or using words in a disrespectful way.

### **Language, Abusive (Level II)**

Student delivers verbal messages to others that include offensive or threatening language.

### **Leaving School Grounds (Level I)**

Leaving school grounds during school hours without proper clearance.

### **Off Limits/Unauthorized Area (Level I)**

Accessing areas of the building without permission where students are not permitted or during times of the day they are not permitted.

### **Over-the-Counter Medications (Level II)**

Possession, distribution, or use of over-the-counter medications in violation of school district policy.

### **Parking Violation (Level I)**

Parking in an unauthorized area on school property.

### **Physical Aggression (Bodily Harm) (Level II)**

An intentional act by a student resulting in bodily harm.

### **Physical Aggression to Staff (Level II)**

An intentional act by a student resulting in unwelcome physical contact with staff persons.

### **Physical Contact (Level I)**

Intentional or unintentional physical contact between a student and another individual or individuals that is not age-appropriate and may or may not involve harm (for example, non-age appropriate pushing/shoving, hitting, knocking other individuals over, play fighting). This is distinct from fighting. Note: Typically treated as a Level II at high school due to students' age and maturity.

### **Pyrotechnic Devices, Possession and/or Detonation of a Firework or Firecracker (Level II)**

Firecrackers, fireworks, smoke bombs, etc. that contain flash powder, gunpowder, blackpowder, or any other explosive compound constructed to produce detonation or deflagration.

### **Reckless or Careless Driving (Level II)**

Driving on school property in such a manner as to endanger persons or property.

### **Record and Identification Falsification (Level I)**

Falsifying or altering signature or data, refusing to give proper identification, or giving false identification to staff.

## **VIOLATIONS CONTINUED**

### **Repeated Misuse of District Technology Resources (Level II)**

Purposeful use of district technology resources in a way that violates district policy.

### **Robbery (Level III)**

Taking or attempting to take property of value from another person or organization, under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear.

### **Sexual Assault (Level IV)**

Intentional, non-consensual touching of a sexual nature, such as rape, fondling, and molestation, or forcing a person to touch any person's intimate parts. It may include force, intimidation, or threat.

### **Sexual Behavior (Level II)**

Engaging in consensual sexual behavior including, but not limited to, sexual intercourse or sexual penetration, sexual contact, indecent exposure, or masturbation.

### **Student Appearance (Level I)**

Manner of dress or personal grooming that does not fit within the policies or guidelines of the school or district.

### **Teasing and Name Calling (Level I)**

A single occurrence of teasing or name-calling with or without the intent to injure, degrade, or intimidate other individuals.

### **Technology Misuse/Violation (Level I)**

This includes being off-task, treating technology carelessly, and airdropping materials without permission. Technology devices include and are not limited to iPad, mobile device, personal electronic device, camera, computer and/or other. Student removal of a memory card or battery from a camera, phone, or mobile device while it is in the process of being confiscated is considered grounds for disciplinary action by school administration.

### **Technology, Unauthorized or Inappropriate Use of District Technology Resources (Level I)**

Any act that violates the School Board's Technology Use and Safety Policy or constitutes an unacceptable or illegal use of the school district's computer facilities, systems, networks or software. This includes sending or posting harmful text or images using the Internet, wireless phones, or other communications devices.

This policy applies to student acts occurring on or off school property and during or after school hours using district technology resources. Student consequences include possible loss of technology access privileges, dismissal, police notification, and/or restitution.

## **VIOLATIONS CONTINUED**

### **Threats, Terroristic (Level III)**

Threatening directly or indirectly to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly or vehicle or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

### **Theft (Level I)**

Taking the property of another individual or the school without permission, with the intent of not returning the property to the owner. No force is involved in taking the property. The value of the item stolen may play a role in the level of violation.

### **Tobacco and Tobacco Related Devices, Use/Possession/Distribution (Level II)**

Using, possessing, or distributing tobacco, tobacco-related devices, or electronic cigarettes. Tobacco is any product containing, made, or derived from tobacco that is intended for human consumption. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices.

### **Trespassing, Including During Periods of Dismissal or Suspension (Level II)**

Being physically present on school property or at a school activity after being directed to leave by a school administrator or other person lawfully responsible for the control of the premises.

### **Unauthorized Use of School Property (Level I)**

The unauthorized or illegal use of school property.

### **Possession, Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition, without use of intent to use as a weapon (Level III)**

Device not manufactured as a dangerous weapon that is capable of producing bodily harm, substantial bodily harm, or fear of bodily harm. Examples include knives with blades under 2.5 inches, box cutters, razor blades, etc. Use or intent must not be present.

### **Possession/ Use of a Dangerous Weapon Other Than a Firearm (Level IV)**

A device designed or modified as a weapon that is capable of producing death or great bodily harm. Examples include knife with a blade of 2.5 inches or longer, replica firearms, BB gun, or brass knuckles.

## DISCIPLINE COMPLAINT PROCEDURE

Students, parents/guardians, and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied.

It is encouraged but not required to bring a concern to the school principal prior to filing a complaint.

1. Any person who believes they have received a discipline consequence that violates the Minnesota Pupil Fair Dismissal Act, including the implementation of the local 506-23 behavior and discipline policies, may file a complaint and seek corrective action when it has not been implemented appropriately or has been discriminately applied.
2. The complaint must be filed in writing to the school principal (report taker). If the complaint involves a report taker, the complaint shall be filed directly with the assistant superintendent.
3. The report must include: a detailed account as to how the discipline violated the requirements of: i. the Minnesota Pupil Fair Dismissal Act, ii. student handbook and annual notifications, and/or iii. district policy.
4. The report taker shall begin to investigate complaints within three (3) school days of receipt.
5. The final report of findings, shall include a determination of whether the allegations have been substantiated as factual using a preponderance of the evidence standard and whether there appear to be violations of PFDA and/or local behavior and discipline policies. The breadth and detail of the investigation report will depend on the circumstances of each complaint.
6. Upon completion of an investigation that determines the requirements of the PFDA and/or local behavior and discipline policies were not implemented appropriately, the final report of findings shall include a corrective action plan, that includes but is not limited to: (a) correction of the student's record; (b) training, coaching, or other accountability practices for relevant staff to ensure appropriate compliance with policies in the future.
7. All records resulting from a formal discipline complaint shall be sent to the assistant superintendent.
8. Discipline complaints are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
9. Submission of a discipline complaint will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
10. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations. However, the school district is unable to guarantee confidentiality to any individual.

The school district prohibits reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and will impose appropriate consequences for any person who engages in reprisal or retaliation.

## GLOSSARY OF TERMS

### **Absence -**

- **Chronic Truancy** - Continued unauthorized absences. Student will be referred to a county social worker for consideration to file a court petition or referred to the Truancy Intervention Program. Ordinarily, chronic truancy does not warrant dismissal.
- **Tardiness** - Arriving late to school or to class.
- **Unexcused** - Unauthorized absence from school or class.

**Audio Alert Device** - Any device intended to be used to produce audio signals for purposes of repelling an attack or intrusion by others.

**Bodily Harm** - Physical pain or injury, illness, or any impairment of physical condition.

**Bullying** - Bullying means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

1. 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
2. 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.

**Bus Suspension** - Temporary or long-term prohibition for a student to ride a school bus to school or other events involving riding a school bus.

**Bus Violations** - Any incidents of unacceptable student conduct on or near any school bus or bus stop. Weapons and other serious violations should be reported using the event type associated with the student's actions, even if they took place on the bus.

**Chemical Health Evaluation** - A student may be referred to voluntarily engage in an assessment, completed by a trained school district staff member or community agency, to determine their level of involvement with alcohol or other chemical use.

**Conflict Resolution** - A way for two or more parties to find a peaceful solution and negotiate a resolution to a disagreement.

**Contract** - A written behavior agreement signed by the student, teacher or administrator, and/or parent/guardian.

**Detention** - The requirement that a student remains in school or attends school outside of normal class time or school hours. Additionally, detention includes the requirement that a student eat their lunch at a location other than the cafeteria. Recess detention is prohibited except in limited circumstances.

**Discrimination** - No person shall, on the basis of race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with regard to public assistance, sexual or affectional orientation, familial status, gender identity and expression, or disability, be subjected to discrimination.

**Dismissal (or removal from school)** - An action taken by school administration requiring a student to leave school for up to one full school day.

**Disruptive Behavior To and From School** - Behavior that endangers or harasses students on their way to and from school, or at the bus stop, or diverts the bus driver's attention from driving.

**Exclusion** - An action taken by the School Board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the current calendar year.

**Expulsion** - Expulsion is a legal act that may be 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.

**Firearm** - There will be zero tolerance for possession or use of a firearm by any student. Firearms are banned from all property owned or controlled by School District 197. A firearm is a device designed to be used as a weapon, from which is expelled a projectile by the force of explosion or force of combustion.

**Great Bodily Harm** - Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

**In-School Community Service** - An action taken by school administration where a student is required to do voluntary work in order to give back to the community.

**In-School Suspension** - An action taken by school administration to prohibit a student from attending classes for a period of time (more than half of a school day) while remaining under the supervision of school staff during the school day.

**In-School Monitoring** - A student may stay in school and be allowed to attend classes, but must check in with designated staff at appropriate times. Staff may escort student in the hall or to the restroom when appropriate.

**Intent, Intentionally, or Intentional** - "With intent to" or "intentionally" or "intentional" means that the student/ actor either has a purpose to do the thing or cause the result specified, or believes that the act, if successful, will cause that result.

**Intentional Damage of District Technology Resources** - Willful damage to hardware, software or other equipment.

**Interim Alternative Educational Setting (see Special Education Administrators)** - An action taken by school and district administration to remove the special education student to an interim alternative educational setting for not more than 45 days. An Interim Alternative Educational Setting (of up to 45 school days) can ONLY be used if a student with a disability does the following at school, on school premises or at a school function: 1. Carries a dangerous weapon or possesses a dangerous weapon (defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 . inches in length); 2. Knowingly possesses or uses illegal drugs , or sells or solicits the sale of a controlled substance; or 3. Inflicts serious bodily injury upon another person (defined as a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty).

**Intervention** - An opportunity for students to learn appropriate behavior with the goal of facilitating positive behavioral change. An intervention may involve school staff as well as support staff in the broader community.

**Intimate Parts** - Includes the primary genital area, groin, inner thigh, buttocks, or breast (as well as the clothing covering the immediate area of the intimate parts).

**Loss of Privilege** - An action taken by school administration to prevent a student from participating in an activity or the loss of privilege as a consequence of a violation.

**Mediation** - Students who are in conflict with one another may be asked to participate in a mediation session led by a mediator to resolve the issues causing the conflict.

**Mentoring Program** - With parent/guardian permission, a student may voluntarily meet with a trusted adult that is available to offer support and guidance. The mentor may be a school staff person or someone from the community.

**Minnesota Pupil Fair Dismissal Act** - The Pupil Fair Dismissal Act is a state law that protects all students, with or without disabilities, in suspension, expulsion, and exclusion proceedings.

**Parent** - Student's legal guardian as listed in Infinite Campus.

**Parent Guardian Conference/Notification** - Administrative discussion or communication with a parent or guardian to address student academic or behavioral issues.

**Police Notification** - If an administrator believes that a student may have violated a law, the police may be called to file a report and/or to assist as necessary.

## **Possession/Use -**

- Dangerous Weapon Other Than a Firearm - There will be zero tolerance for possession or use of a dangerous weapon by any student. A “dangerous weapon other than a firearm” is defined as: 1. any device or instrument designed as a weapon and capable of producing death or great bodily harm, 2. any device modified so that it may be used as a weapon and capable of producing death or great bodily harm, 3. any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, 4. any fire that is used to produce death or great bodily harm, 5. any knife with a blade equal to or greater than 2.5 inches in length, 6. any replica firearm, BB gun, or pellet gun, 7. brass knuckles
- Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition. Other Weapon includes any device or instrument – including any non-conventional weapon – that, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm or substantial bodily harm, or fear of any degree of bodily harm. (Other weapons include knives with blades under 2.5 inches, fake knives, look alike weapons, box cutters, ammunition, etc.) Zero tolerance applies for possession of other weapon with use or intent to use.

**Referral for Other or Outside Services** - Chemical use assessment, social worker, mental health, etc.

**Removal from Class** - An action taken by a teacher, principal or other school district employee to prohibit a student from attending class for a period of time (must be less than half of a day).

**Restitution** - Repairing harm or replacing items that were stolen or damaged or providing fair market value by way of compensation or service. It requires a student to pay for or fix damages or misappropriation of property and may be imposed separately or in addition to other sanctions.

**Restorative Practice Strategies** - Ways to invite students, families, community members and staff into relationship to build empathy, caring and communication skills. Restorative practices focus on building a sense of community and on the strengths and capacity of the participants. When restorative practices are successful, all feel safe in the school, because deep and lasting relationships are built among stakeholders. Repairing harm circles, restorative chats, peer mediation and family group conferencing are examples of restorative practice strategies.

**Sexual Harassment** - Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other physical or verbal conduct or communication of a sexual nature when:

1. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment, educational, or school district environment;

2. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education or a benefit from the school district or;
3. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education or access to a benefit from the school district.

**Student Conference** - Administrative discussion or communication with student to address student academic or behavioral issues.

**Substantial Bodily Harm** - Bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member.

**Suspension** - An action taken by the school administration to prohibit a student from attending school for a period of no more than 10 school days. An additional five days suspension may be added if exclusion or expulsion is being considered, or if the student's presence will create an immediate and substantial danger.

**Threats** - Any oral, written, or physical threat, sign, or act that conveys intent to cause harm or violence, even if made in jest. This includes threats related to race, religion, or sexual violence.

**Violation** - Doing something prohibited by policy, law, or code of conduct.

**Warning** - An oral or written communication to stop a behavior that interferes with the learning environment or is unsafe.

**Withdrew** - Student withdrew from school district in lieu of or in conjunction with other disciplinary resolutions.



**SCHOOL DISTRICT 197**

West St. Paul + Mendota Heights + Eagan Area

isd197.org | 651-403-7000