

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Policy 520 – Student Discipline

1.0 General Statement of Policy

The purpose of this policy is to help all members of the school community work collaboratively to create a safe, supportive and equitable school climate through the use of positive discipline practices. Positive discipline practices utilize interventions that emphasize learning over punishment. Interventions help develop understanding, address the causes of behavior, resolve conflicts, repair the harm done, restore relationships and reintegrate students into the school community.

The school board recognizes that a positive and equitable learning environment is essential for students to thrive academically and developmentally. The school board also recognizes that individual responsibility and mutual respect are essential components of the educational process. All students are entitled to learn and develop in a setting that promotes engagement, trust, equity, and respect of self, others, and property. Proper positive discipline can only result from an equitable, supportive environment that stresses student self-direction, decision-making and responsibility.

It is the position of the school district that a fair and equitable district-wide student discipline policy is a necessity, required by both federal and state law, that will contribute to the quality of all students' educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. 121A.40-121A.56 and the Every Student Succeeds Act (ESSA), Pub.L.114-95.

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

2.0 Scope and Application of Policy

This policy shall apply to all District 623 students during the regular school day, while using any form of school transportation, and while attending any school sponsored events or activities, regardless of whether they occur during the school day, before the school day, or after the school day, and regardless of whether they occur on or off school grounds.

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This policy applies to any student whose conduct interferes with or obstructs the educational mission or operations of the school district or the safety or welfare of others.

3.0 Rules of Conduct

The following are examples of unacceptable behavior subject to disciplinary action by the school district. These examples are not intended to be all-inclusive. The district recognizes that whenever subjective interpretation is required to determine student conduct, the possibility of bias exists. The district further recognizes that, as a result, not all students are always disciplined in the same manner. Given this, all staff will apply this policy and impose any discipline in an equitable and consistent manner.

Any student who engages in any of the following activities shall be disciplined, and in accordance to the policy.

3.1 Attendance Issues: including, but not limited to unexcused absence, tardiness, truancy, skipping classes, and leaving school grounds without permission.

3.1.1 The authority to decide whether an absence is excused rests with the building principal or his/her designee, acting according to Policy 504 “School Attendance” and Regulation 504-R.

3.1.2 If a student has an attendance issue, disciplinary action may be taken according to Policy 520, Section 4.0.

3.2 Damage to School or Personal Property

3.2.1 Vandalism: Willful damage to or destruction of school property or property of others.

3.2.2 Arson: Intentionally, by means of fire or explosives, setting fire to or burning or causing to be burned any school building, school property, or the property of any individual.

3.2.3 Breaking and Entering: Using force to gain entry into a School District building, regardless of whether a crime is actually committed.

3.2.4 Trespassing: Entering or being found in a School District building or on School District property unless the person: is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district; has permission or an invitation from a school official to be in the building; is attending a school event,

class, or meeting to which the person, the public, or a student's family is invited; or has reported the person's presence in the school building in the manner required for visitors to the school.

It is trespassing for a person to enter or be found on school property within one year after being told by the school principal or the principal's designee to leave the property and not to return, unless the principal or the principal's designee has given the person permission to return to the property.

- 3.2.5 Theft: The act of taking, using, transferring, concealing, or retaining possession of stolen property of another without his/her consent or the finding of lost property and not making reasonable effort to find the owner, including illegal copying of software or data.
- 3.2.6 Robbery: The act of taking another's personal property from the person without permission, or in the presence of another using or threatening to use imminent force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property.
- 3.2.7 Extortion: Obtaining property from another, with consent, induced by a wrongful use of actual or threatened force, violence, or fear.
- 3.2.8 Possession of stolen property: Receiving, possessing, transferring, buying or concealing any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery.
- 3.3 Physical Assault, Violence or Fighting: Any action which is intended or which should reasonably be expected to inflict bodily harm upon, or causes injury to or otherwise endangers the health, safety or welfare of students, school district personnel or other persons.
- 3.4 Oral/Written Assault: Abusive, threatening, profane, or obscene language by a student toward a staff member or another student. This act may include conduct that degrades people because of perceived or actual race, religion, gender, gender identity, national origin, abilities, sexual orientation, socioeconomic status, home or first language, age or other personal or physical characteristics.
- 3.5 Sexual Harassment/Sexual Violence
 - 3.5.1 Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

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3.5.2 Sexual Violence: Physical act of aggression or force or threat thereof that involves the touching of another's intimate parts, either above or underneath the other person's clothes, or forcing another to touch one's intimate parts, either above or underneath one's clothes. Intimate parts, as defined in Minnesota Statutes Section 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being. Sexual violence is a criminal activity. Sexual violence may include, but is not limited to: touching, patting, grabbing, or pinching another person's intimate parts, either same sex or opposite sex; coercing or forcing sexual touching on another; coercing or forcing sexual intercourse on another; threatening to force sexual touching or intercourse on another.

3.6 Threats and Disruptions:

3.6.1 Dangerous Threats: Threats to school operations or school activities, including but not limited to the reporting of dangerous or hazardous situations that do not exist.

3.6.2 School Disruptions: Disturbance or interruption of the peace, functioning or order of the school or school-sponsored activities.

3.6.3 Possessing/viewing/distributing obscene or pornographic material: Possessing, viewing, and/or distributing any book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, videotape, script, image, instrument, statue, drawing, or other article which, taken as a whole, appeals to the prurient interest in sex and depicts or describes in a patently offensive manner sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, scientific or educational value.

3.6.4 Gambling: A risking of money or other property between two or more persons on a contest of chance of any kind, where one must be the loser and the other the gainer.

3.6.5 Hazing (See Policy 544): 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.

3.6.6 Possession and/or distributing slanderous libelous materials: Possessing and/or distributing any writing, document, or other form of communication containing knowingly false statements about an individual(s).

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- 3.6.7 Falsifying or tampering with records or documents: Deliberately altering or changing School District records or documents without proper authorization or creating documents having the appearance of official School District records or documents without proper authorization.
- 3.6.8 Academic dishonesty: Any action taken with the intention of obtaining credit for work which is not one's own which includes, but is not limited to: submitting another student's work as one's own work; obtaining or accepting a copy of tests, test questions, test answers or scoring devices; copying from another student's test or computer file, or allowing another student to copy during a test or computer program; using materials which are not permitted during a test; plagiarizing (presenting as one's own material copied without adequate documentation from a published source); copying or having someone other than the student prepare the student's homework, paper, project, laboratory report, computer program, or take-home test for which credit is given; using computer-generated technology, including internet programs and applications, to generate, create, or produce materials and presenting them as one's own; permitting another student to copy, or writing another student's homework, project, report, paper, computer program, or take-home test accessing restricted computer files without teacher authorization; copying materials, including computer software, in violation of the copyright law.
- 3.6.9 Misuse of School District technology: Using School District technology, including but not limited to: computers, networks, telephones, cameras, e-mail, voice mail, and printers) in a manner that violates the School District's "Acceptable Use Policy (Policy 400)".
- 3.7 Use/Possession/Distribution of Dangerous, Harmful, and Nuisance Substances and Articles:
 - 3.7.1 Alcohol: Use, possession, distribution, or being under the influence of alcoholic beverages (Refer also to Policy 404 "Chemical Use and Abuse: Students and Staff").
 - 3.7.2 Drugs: Use, possession, distribution, or being under the influence of illegal drugs, controlled substances or "look-a-like" substances, except as prescribed by a physician. (Refer also to Policy 404 "Chemical Use and Abuse: Students and Staff"). Sharing prescription medications with others and the misuse of prescription and/or over-the-counter medications. Use, possession and/or distribution of drug paraphernalia.

3.7.3 Tobacco and Tobacco Paraphernalia: Use, possession or distribution is prohibited (Refer also to Policy 404 “Chemical Use and Abuse: Students and Staff” and Policy 432 “Tobacco Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices”).

3.7.4 Harmful or Nuisance Articles: Use or possession of articles that are nuisances, illegal, or that may cause harm to persons or property.

3.7.5 Gun-Free Schools/Gun-Free Schools Act.

Any student who is determined to have brought a firearm (as that term is used in the Gun Free Schools Act of 1994 and defined in Section 3.7.5.2 and 3.7.5.3 below) to school, to a school-sponsored activity, or onto school property (see Section 2.0), will be expelled for a period of one calendar year. This policy may be modified by the Superintendent on a case-by-case basis.

3.7.5.1 Definitions:

For purposes of this Section on Gun-Free Schools only, the following terms have the designated meaning:

3.7.5.2 “Firearm” includes:

3.7.5.2.1 any firearm (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive;

3.7.5.2.2 the frame or receiver of any such firearm;

3.7.5.2.3 any firearm muffler or firearm silencer; or

3.7.5.2.4 any destructive device.

3.7.5.3 “Destructive device” means:

3.7.5.3.1 any explosive, incendiary, or poison gas including –

3.7.5.3.1.1 bomb,

- 3.7.5.3.1.2 grenade,
- 3.7.5.3.1.3 rocket having a propellant charge of more than four ounces,
- 3.7.5.3.1.4 missile having an explosive or incendiary charge of more than one-quarter ounce,
- 3.7.5.3.1.5 mine, or
- 3.7.5.3.1.6 device similar to any of the devices described in the preceding clauses;

3.7.5.3.2 any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

3.7.5.3.3 any combination of parts either designed or intended for use in converting any device into any destructive device described above and from which a destructive device may be readily assembled.

3.7.6 Weapons

Possession of weapons, as that term is defined in Section 3.7.6.1 below, in school, on school grounds (see Section 2.0) and at school-sponsored activities, is prohibited.

3.7.6.1 Definitions

“Weapons” means any firearm, whether loaded or unloaded, any device designed as a weapon or through its use capable of threatening or causing bodily harm or death; or any device or instrument which is used to threaten or cause bodily harm or death. Examples include but are not limited to: guns (including airguns, pellet guns, BB guns, look-alike guns such as water pistols or toys that could reasonably be mistaken for real, and non functioning guns that could be used to threaten others), knives or

other blades, clubs, metal knuckles, numchucks, throwing stars, explosives, fireworks, mace and other propellants, stunguns, ammunition. ISD 623 prohibits the possession or distribution of ammunition (such as bullets), fireworks, lighters and matches. The School District also prohibits items that are generally used for other purposes (e.g. scissors, belts, keys, files) from being used to threaten or inflict bodily harm. Such objects used in that manner will be treated as possession and use of a weapon.

3.7.6.2 Procedures. Any student possessing a weapon in violation of Section 3.7.6.1, whether the weapon is on the student's person, among the student's immediate possessions (book bag, purse, instrument case, etc.), in the student's locker, or in the student's vehicle, shall be subject to the following procedures:

3.7.6.2.1 The School District may refer the matter to local law enforcement officials.

3.7.6.2.2 The administration will evaluate the situation and make a recommendation for the student's re-admittance to school, or exclusion or expulsion. Where a student violates this policy through possession of an instrument which constitutes a "weapon" under the Gun-Free Schools Act, (see Section 3.7.5 above), the School District will adhere to that Act's expulsion provisions.

3.8 Failure to provide adequate identification upon request of a staff member.

3.9 Insubordination: Refusal to comply with rules or directions of a staff member.

3.10 The violation of any Federal, State, or local law, which has an effect on the discipline or general welfare of the school.

3.11 Conduct which interferes with or obstructs the educational mission, operations, or functions of the school district or is an actual or potential risk to the safety or welfare of others.

3.12 Violation of school bus or transportation rules.

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- 3.13 Violation of parking or school traffic rules and regulations.
 - 3.14 Violation of guidelines relating to school lockers.
 - 3.15 Dress code violations.
- 4.0 Disciplinary Action
- 4.1 The general policy of the school district is to utilize a preventative and positive approach to discipline aimed at creating a safe and quality learning environment for students, characterized by: understanding and addressing the underlying function of behavior; resolving conflicts and repairing harm; teaching appropriate replacement behaviors; restoring relationships in the school community; and reintegrating students into the school community. Disciplinary action for acts of unacceptable behavior may include any or all of the following, but are not limited to the following. The building administrator and/or school district administrator will exercise his or her professional judgment in determining appropriate consequence(s) or disciplinary action(s).
 - 4.1.1 Re-teach the behavioral expectations
 - 4.1.2 Provide a reflective activity
 - 4.1.2.1 Student/teacher/administrator conferences
 - 4.1.2.2 Mediation, conflict resolution and/or restorative practices
 - 4.1.2.3 Recurring check-ins
 - 4.1.3 Parent/Guardian conference
 - 4.1.4 Referral to behavioral intervention assistance team and/or in-school support services
 - 4.1.5 Implementation of a behavioral contract
 - 4.1.6 Instruction in social-emotional skills
 - 4.1.7 Removal from class and/or before or after school event
 - 4.1.8 Suspension from extra-curricular activities
 - 4.1.9 In-school monitoring
 - 4.1.10 Consequences according to the bylaws and rules of the Minnesota State High School League
 - 4.1.11 Loss of school privileges
 - 4.1.12 Modified school program/schedule
 - 4.1.13 In-school suspension
 - 4.1.14 Referral to community service or outside agency services
 - 4.1.15 Restitution
 - 4.1.16 Suspension under Pupil Fair Dismissal Act
 - 4.1.17 Expulsion under Pupil Fair Dismissal Act
 - 4.1.18 Exclusion under Pupil Fair Dismissal Act
 - 4.1.19 Reference to diversion program

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4.1.20 Reference to police or other law enforcement agencies for criminal action

4.1.21 Petition County Court for juvenile delinquency adjudication

4.2 Removal from Class:

4.2.1 The classroom teacher shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, imposing classroom level consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any action taken by a teacher, principal, or other school district employee to prohibit a pupil from attending a class pursuant to procedures established in the school district discipline policy adopted by the School Board.

4.2.2 Grounds for removal from class

(a) Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with the teacher's ability to teach or communicate effectively with students in class or with the ability of other students to learn;

(b) Willful conduct that endangers surrounding persons, including School District employees, the student or other students, or the property of the school;

(c) Willful violation of any rule of conduct specified in the discipline policy adopted by the School Board.

4.2.3 Procedures for removal of student from class

4.2.3.1 Subject to federal and state laws governing the rights of children with disabilities, the teacher may remove a student from the class and require the student to go to a designated classroom for up to one hour or one class period, whichever is greater. The teacher must immediately notify the teacher assigned to the designated classroom. Upon arrival, the student becomes the responsibility of the designated teacher.

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4.2.3.2 Subject to federal and state laws governing the rights of children with disabilities, the teacher may remove a student from the class and require the student to go to the school office or a school behavior support room. The teacher must immediately notify the principal or designee. Upon arrival at the school office or school behavior support room, the student becomes the responsibility of the principal or designee.

A student must be removed from class immediately if the student engages in assault or violent behavior. “Assault” is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

4.2.3.3 The removal in 4.2.3.2 shall include an informal administrative conference with the student conducted by the principal or designee.

4.2.3.4 The length of time of the removal in 4.2.3.2 shall be at the discretion of the principal or designee after consultation with the teacher. For a violation of a rule of conduct the removal shall not exceed five hours or five class periods within a given school day without notice of suspension.

If a student is removed from class more than ten (10) times in a school year, the school district shall notify the parent or guardian of the student’s tenth removal from class and make reasonable attempts to convene a meeting with the student’s parent or guardian. The student may be referred to the building problem-solving team to determine whether it is appropriate to refer the student for assessment as to whether the student is qualified for Special Education services or in need of other services. The current Individualized Education Program (IEP) or Section 504 plan may also be referred for review.

4.2.3.5 To the extent funds are available, the School District will coordinate with the County Board responsible for implementing the “Minnesota Comprehensive Children’s Mental Health Act” for crisis services for students with a serious emotional disturbance or other

students who have an Individual Education Plan and who may benefit from crisis intervention.

4.2.3.6 The School District shall make appropriate referrals for chemical abuse problems of a student while on school premises, as set forth in Policy 404.

4.2.3.7 Students removed from class will be assigned to a location within the School District under supervision by School District personnel. The student's activities during the period of removal will be at the discretion of School District staff. Student removal shall be documented and reported to the school building principal.

4.2.4 Procedures for Return of Student to Class

A student shall be returned to class upon completion of the terms of removal established at the informal administrative conference.

4.3 "Dismissal" is the denial of the student's current educational program, including suspension, exclusion, and expulsion. Dismissal shall be imposed in accordance with the Minnesota Pupil Fair Dismissal Act of 1974, as amended.

4.3.1 "Expulsion" is a School Board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled.

4.3.2 "Exclusion" is an action of the School Board to prevent the enrollment or re-enrollment of a student in school for a period that shall not exceed beyond the school year.

4.3.3 "Suspension" is an action by the School Administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) days, except for suspensions pending expulsion, which may be a maximum of fifteen days for a student without an IEP. The Superintendent of Schools will be apprised of the reasons for suspensions exceeding five (5) days. Dismissal from school for one school day or less, except as provided in applicable federal and state law governing students with disabilities, does not constitute a suspension.

4.3.4 The suspension procedure in each school shall be in accord with the Minnesota Pupil Fair Dismissal Act, including administrative conference and written notice and service of suspension.

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- 4.3.5 If a student's total days of suspension, expulsion, or exclusion exceeds ten (10) cumulative days in a school year, the School District shall make reasonable attempts to convene a meeting with the student and his/her parents/guardians prior to subsequent dismissal, and offer to assist in arranging a mental health screening for the student, at parent/guardian expense.
- 4.3.6 In the case of a student with a disability who has an Individualized Education Plan, the team will convene a Manifestation Determination meeting to review the relationship between the student's disability and the behavior subject to suspension or other removal; and determine the appropriateness of the student's education plan, if: (a) the parent requests a meeting; or (b) the student's total days of removal from his/her placement during the school year exceeds ten (10) cumulative days.
- 4.4 Parents or guardians shall be notified of the rules of conduct and disciplinary policy. Each school shall have a written procedure describing when and how parents or guardians will be notified. Such notification shall be distributed to parents or guardians by the end of the first month of the school year.
- 4.5 Individual schools shall develop their own procedures for handling disciplinary referrals.
 - 4.5.1 Parents or guardians will be encouraged to assist school personnel in attempts to improve a student's behavior. The School District encourages early detection of discipline problems and shall involve communication between the parent or guardian and school personnel, to the extent possible.
 - 4.5.2 School building procedures must be consistent with the Minnesota Pupil Fair Dismissal Act and School District policies.
- 4.6 When considering expulsion or exclusion, school building administrators will review a student's record to determine whether the student is entitled to procedural safeguards under the IDEA or Section 504 of the Rehabilitation Act. A student with a disability receiving special education services under the Individuals with Disabilities Education Act (IDEA) may not be excluded or expelled for behavior which has been determined to be a manifestation of the disabling condition for which the services are provided. Parents are included in the process of such determination, as required under state and federal law.

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- 4.7 A party to an expulsion or exclusion decision made by the School Board may appeal the decision to the Commissioner of the Department of Education within twenty-one (21) calendar days of School Board action pursuant to Minnesota Statutes § 121A.49. The decision of the School Board shall be implemented during the appeal to the Commissioner.
- 4.8 Students shall be provided alternative educational services to the extent that a dismissal (suspension, expulsion or exclusion) exceeds five (5) school days. The specific alternative educational services are at the discretion of the School District and may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instructions through electronic media, special education services, as indicated by appropriate assessment, home bound instruction, supervised homework, or enrollment in another district or in an alternative learning center.

5.0 Searching Students and Their Property

5.1 Personal Possession Searches

The personal possessions of students whether on their person, in backpacks, in desks, lockers or cars parked in the school parking lot may be subject to a reasonable search when the School District has a reasonable, individualized suspicion that evidence will be produced showing that the student violated the law or school rules.

- 5.2 School lockers and desks are the property of the School District. At no time does the School 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 the 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.

6.0 Policy Considerations

6.1 Review of Policy

- 6.1.1 A district committee that includes administrators, teachers, support staff, and parents or guardians will confer annually to review this policy and the building procedures to determine if the policy is

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working as intended; any recommended changes to the policy shall be submitted to the Superintendent of Schools for consideration by the School Board (Minnesota Statute 121A.65). The School Board will conduct an annual review of the policy.

- 6.2 Copies of this policy and The Pupil Fair Dismissal Act of 1974 as amended shall be posted annually during the first month of the school year at a location of which parents or guardians/students are notified. Hard copies of this policy will be made available in the principal's office upon request.
- 6.3 Nothing in this policy is intended to conflict with The Pupil Fair Dismissal Act of 1974.

7.0 Corporal Punishment

- 7.1 Definition. Corporal punishment means conduct involving:
 - 7.1.1 Hitting or spanking a person with or without an object
 - 7.1.2 Unreasonable physical force that causes bodily harm or substantial emotional harm
- 7.2 Prohibition. An employee or agent of a public school district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.
- 7.3 A school principal, teacher, or other School District employee, school bus driver, or other agent of the School District may use reasonable force when necessary under the circumstances to restrain a student or prevent bodily harm or death.

8.0 Notification of Policy Violations

The school district must report, through the MDE electronic reporting system, each physical assault of a school district employee by a student within thirty (30) days of the assault. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include all elements required by law or the MDE, such as the student's age, grade, gender, race, and special education status.

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