

Urban Academy	
Policy and Procedure:	
STUDENT DISCIPLINE	
Policy No.: 03.06	Originate: August 2003
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I. PURPOSE

- A. This policy is to ensure that students are aware of and comply with Urban Academy’s expectations for student conduct. Such compliance will enhance Urban Academy’s ability to maintain discipline and ensure that there is no interference with the educational process. Urban Academy will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT

- A. The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that the nurturance of the maturing process for each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child’s dependence on authority to the more mature behavior of self-control.
- B. Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.
- C. Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. It is the position of Urban Academy that a fair and equitable district-wide student discipline policy will contribute to the quality of the student’s educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 127.26 through 127.39.
- D. In view of the foregoing and in accordance with Minn. Stat. § 127.41, the school board, with the participation of school district administrators, teachers, employees, students, parents and community members and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of Urban Academy.

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III. AREAS OF RESPONSIBILITY

A. The School Board.

1. The school board holds all school personnel responsible for the maintenance of order within Urban Academy and supports all personnel acting within the framework of this discipline policy.

B. Director.

1. The director shall establish guidelines and directives to carry out this policy, hold all school personnel, students and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The director shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.

C. Site Manager.

1. The school site manager is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to the approval of the director and final school board approval. The site manager shall give direction and support to all school personnel performing their duties within the framework of this policy. The teacher or site manager shall consult with parents of students conducting themselves in a manner contrary to the policy. The site manager shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents.

D. Teachers.

1. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct.

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E. Other School District Personnel.

1. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent.

F. Parents or Legal Guardians.

1. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

G. Students.

1. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

H. Community Members.

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

IV. STUDENT RIGHTS

- A. All students have the right to an education and the right to learn. Students shall also enjoy the right of mutual respect from school personnel. A student may appeal a decision of a teacher to the director.

V. STUDENT RESPONSIBILITIES

A. All students have the responsibility:

1. for their behavior and for knowing and obeying all school rules, regulations policies and procedures;
2. to attend school daily, except when excused, and to be on time to all classes and other school functions

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3. to pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
4. to make necessary arrangements for making up work when absent from school
5. to assist the school staff in maintaining a safe school for all students;
6. to be aware of all school rules, regulations, policies and procedures, including those in this policy, and to conduct themselves in accord with them
7. to assume that until a rule or policy is waived, altered or repealed, it is in full force and effect
8. to volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
9. to respect and maintain the school's property and the property of others
10. to dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with Urban Academy dress code policy;
11. to refrain from indecent or obscene language;
12. to conduct themselves in an appropriate physical or verbal manner; and
13. to recognize and respect the rights of others.

VI. CODE OF STUDENT CONDUCT

- A. The following are examples of unacceptable behavior subject to disciplinary action by Urban Academy. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds and school property, school-sponsored activities or trips, school bus stops, school buses, school vehicles, school contracted vehicles or any other vehicles approved for school district purposes, the area of entrance or departure from school premises or events, and all school-related functions. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of Urban Academy or the safety or welfare of the student, other students or employees.

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1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism
2. The use of profanity or obscene language, or the possession of obscene materials;
3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Hazing;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
6. Opposition to authority;
7. Using, possessing or distributing tobacco or tobacco paraphernalia;
8. Using, possessing, distributing or being under the influence of alcohol or other intoxicating substances;
9. Using, possessing, distributing or being under the influence of narcotics, drugs or other controlled substances, except as prescribed by a physician;
10. Using, possessing or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
11. Violation of the school's district Weapons Policy;
12. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
13. Possession, use or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function by explosion;
14. Possession, use or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
15. Violation of any local, state or federal law as appropriate;

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16. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself improper activation of fire alarms, or bomb threats;
17. Possession of nuisance devices or objects which cause distractions including, but not limited to pagers, radios and phones;
18. Violation of school bus or transportation rules or the school bus safety policy;
19. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker
20. Possession or distribution of slanderous, libelous or pornographic materials;
21. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
22. Criminal activity;
23. Falsification of any records, documents, notes or signatures;
24. Tampering with, changing, or altering records or documents of Urban Academy by any method including, but not limited to, computer access or other electronic means;
25. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment, plagiarism or collusion;
26. Impertinent or disrespectful language toward teachers or other school district personnel;
27. Sexual abuse and/or harassment;

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28. Actions, including fighting or any other assault like behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
29. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
30. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
31. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people;
32. Physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
33. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation;
34. Disobedience or insubordination to teachers or other school district personnel;
35. Violation of school rules, regulations, policies or procedures;
36. Other acts, as determined by Urban Academy, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of Urban Academy or the safety or welfare of students or employees.

VII. DISCIPLINARY ACTION OPTIONS

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A. It is the general policy of Urban Academy to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of Urban Academy. At a minimum, violation of school district rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. Urban Academy shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student’s misconduct, as determined by Urban Academy. Disciplinary action may include, but is not limited to, one or more of the following:

1. Student conference with teacher, site director, counselor or other school district personnel, and verbal warning;
2. Parent contact;
3. Parent conference;
4. Removal from class;
5. In-school suspension;
6. Detention or restriction of privileges;
7. Loss of school privileges; In-school monitoring or revised class schedule;
8. Referral to in-school support services;
9. Referral to community resources or outside agency services;
10. Financial restitution;
11. Referral to police, other law enforcement agencies, or other appropriate authorities;
12. Petition County Court for juvenile delinquency adjudication;
13. Preparation of an admission or readmission plan;
14. Expulsion under the Pupil Fair Dismissal Act;

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15. Exclusion under the Pupil Fair Dismissal Act;

16. Other disciplinary action as deemed appropriate by Urban Academy.

VIII. REMOVAL OF STUDENTS FROM CLASS

A. Teachers have the responsibility of attempting to modify disruptive student behavior in the classroom by such means as conferring with the student, using positive reinforcement, directing and redirecting student behavior, and 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 actions taken by a teacher, or administration to prohibit a student from attending a class or activity for a period of time. Grounds for removal from class shall include any of the following:

1. Willful conduct that materially and substantially disrupts the rights of others to an education;
2. Willful conduct that endangers school district employees, surrounding persons, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the teacher or administration requires removal of the student from class.

B. Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

The following sections C - K must be developed and inserted by each school district based upon individual district practices, procedures and preferences.

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C. Procedures for Removal of a Student from a class

1. Specify procedures to be followed by a teacher, administrator or other school district employee to remove a student from a class;
2. Specify required approvals necessary;
3. Specify paperwork and reporting procedures.

D. Responsibility For and Custody of a Student Removed From Class

1. Designation of where student is to go when removed;
2. Designation of how student is to get to designated destination;
3. Whether student must be accompanied;
4. Statement of what student is to do when and while removed;
5. Designation of who has control over and responsibility for student after removal from class.

E. Procedures for Return of a Student to a Class From Which the Student Was Removed

1. Specification of procedures;
2. Actions or approvals required such as notes, conferences, and readmission plans.

F. Procedures for Notification

1. Specify procedures for notifying students and parents/guardians of violations of the rules of conduct and resulting disciplinary action
2. Actions or approvals required, such as notes, conferences, readmission plans.

G. Disabled students; special provisions

1. Procedures for consideration of whether there is a need for further assessment;

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2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individual Education Plan (IEP) of a disabled student who is removed from class or disciplined; and
 3. Any procedures determined appropriate for referring students in need of special education services to those services.
- H. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises
1. Establishment of a chemical abuse team pursuant to Minn. Stat. §. 126.034;
 2. Establishment of a school and community advisory team to address chemical abuse problems in the district pursuant to Minn. Stat. § 126.035; and
 3. Establishment of teacher reporting procedures to the chemical abuse team pursuant to Minn. Stat. § 126.037.
- I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct
- J. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student’s Behavior
- K. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems

IX. DISMISSAL

- A. “Dismissal” means the denial of the appropriate educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class. Urban Academy shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion. Urban Academy shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

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B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. willful violation of any reasonable school board regulation, including those found in this policy;
2. willful conduct that materially and substantially disrupts the rights of others to an education; and
3. willful conduct that endangers the student or other students, or surrounding persons, or property of the school.

C. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules created by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the director with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less.
2. Each suspension action shall include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where Urban Academy is in the process of initiating an expulsion, in which case the school administration may extend the suspension up to 15 days.
3. In the case of a student with a disability, a suspension may not exceed ten school days.
4. The school administration shall implement alternative educational services to the extent that suspension exceeds five (5) days.

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5. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present student's version of the facts. A separate informal administrative conference is required for each period of suspension.
6. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 127.26 through 127.39, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within 48 hours of the conference. (See attached sample Notice of Suspension.)
7. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
8. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within 48 hours of the suspension. Service by mail shall be complete upon mailing.
9. Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled. The authority to expel rests with the school board.

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2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.

3. All expulsion and exclusion proceedings will be held pursuant to an in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 127.26 through 127.39.

4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.

5. The student and parent or guardian shall be provided written notice of Urban Academy's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. § 127.26 through 127.39; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. Urban Academy shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Children, Families and Learning.

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by Urban Academy, student, parent or guardian.

7. All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed, unless the student, parent or guardian requests an open hearing.

8. Urban Academy shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.

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9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. Urban Academy shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Children, Families and Learning. The school board may appoint an attorney to represent Urban Academy in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to the student's records and allowing the representative to obtain copies thereof
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by Urban Academy. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including records upon which the proposed dismissal action may be based
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon the which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for Urban Academy.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.

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17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Children, Families and Learning of the basis and reason for the decision.

18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner of Children, Families and Learning within 21 calendar days of school board action pursuant to Minn. Stat. § 127.32.

19. Urban Academy shall report any expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.

20. Urban Academy shall report each expulsion or exclusion within thirty (30) days of the effective date of the action to the Department of Children, Families and Learning. This report shall include a statement of alternative educational services given the student before beginning expulsion or exclusion proceedings, and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must include state student identification numbers of affected students on all dismissal reports required by the department.

21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in Urban Academy.

X. ADMISSION OR READMISSION PLAN

- A. A school administrator shall prepare and enforce an admission or readmission plan for any student who is suspended, excluded, or expelled from school. The plan may include measures to improve the student's behavior and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior.

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XI. NOTIFICATION OF POLICY VIOLATIONS

- A. Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, site director or other school district official may provide additional notification as deemed appropriate.

XII. STUDENT DISCIPLINE RECORDS

- A. It is the policy of Urban Academy that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13.

XIII. DISABLED STUDENTS

- A. Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy providing that their misbehavior is not a manifestation of the student’s disability, unless an educational program has specified a necessary modification.
- B. When a disabled student is removed from class, the building’s special needs committee will review the educational plan and current assessment data. The committee will determine if the placement was appropriate and recommend, if necessary, other methods of dealing with the behavior. The committee may also make exceptions as necessary and appropriate based on the disabling conditions of the student involved. Such exceptions may be reflected in the student’s educational plan.
- C. For students with IEPs, a team meeting is required within five (5) school days of a suspension or prior to an expulsion or exclusion. If a student is placed on in-school suspension status according to school district policy established for all students, for all or part of the day for two (2) or more consecutive days or three (3) times in one (1) month, a team meeting must be held. A student disabled under Section 504 but not under IDEA shall be entitled to such a meeting only pending expulsion, exclusion or suspension over ten (10) days. The team shall;
 1. determine whether the misconduct is related to the disability;
 2. review any assessments and determine the need for further assessment; and

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3. review the adequacy of the current IEP and amend the goals and objectives or develop an alternative IEP program as appropriate. If it is determined that a student's misconduct is related to the student's disability, the student may not be expelled or excluded, and an alternative program shall be sought.

D. When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, Urban Academy shall continue to provide special education and related services after a period of suspension, if suspension is imposed. Urban Academy shall initiate a review of the student's individual education plan within five (5) school days of commencing an expulsion, exclusion, or a suspension.

XIV. DISTRIBUTION OF POLICY

A. Urban Academy will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in each site director's office.

XV. REVIEW OF POLICY

A. The school board shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the director for consideration by the school board, which shall conduct an annual review of this policy.