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## **506 STUDENT DISCIPLINE**

### **I. PURPOSE**

The School Board recognizes that in order for the District to achieve its mission, a safe and healthy learning environment is essential. Students, therefore, must conduct themselves in a manner that maintains a climate in which learning can take place. It is the School Board's position that when it becomes necessary to implement disciplinary measures, those measures should be implemented in a manner that is fair and equitable and that provides a learning opportunity for students that forms a basis for future self-discipline and student achievement. Aspirationally, we are a district who is embracing restorative practices and truly want to embody the notion that when young people make a mistake, there is an opportunity for harm to be repaired and re-entry into the community to exist.

### **II. GENERAL STATEMENT OF POLICY**

The School Board and Superintendent expect all staff to uphold the Brooklyn Center Community School District's Mission:

***To become a justice-centered school community who fuels the unique genius of each student.***

The School Board and Superintendent expect all staff to uphold the Brooklyn Center Community School District's Core Values:

Written on a foundation of student voice, our district core values communicate the culture and character of Brooklyn Center Community Schools.

- We stand front and center
  - In Brooklyn Center Community Schools, we listen, relate, advocate and affirm, understanding that our role is to be a catalyst for student growth and unity.
- We demonstrate passion, pride and perseverance
  - BCCS is a family, full of struggle and success. Through the heights of joy and the valleys of unrest, we rally for one another, believe in one another and make room to learn from mistakes.
- We acknowledge and disrupt oppressive systems
  - We have inherited systems of learning that were set up to further disadvantage already marginalized and silenced communities. Our response is to dismantle harmful practices and replace them with healthy power dynamics that amplify and embrace student voices. We will align our resources in ways that continuously fight the permanence of racism.
- Our diversity fuels learning
  - We see each student as they are — capable of unique, lasting and critical contributions to our community. In BCCS we uphold our unique gifts and talents; our greatest hope is that each and every student is able to self-determine a joyful path.
- We fiercely lead in justice-centered education
  - Our classrooms will reflect the students who populate these spaces. We insist that students have a voice in their learning and in resolving conflict and harm. As a district, we invite our students and surrounding community into conversations that affect curriculum and culture.

The school board recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that nurturing the maturity of 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.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

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.

Although this policy emphasizes the development of social emotional awareness, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of the school district is 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, Minnesota Statutes, sections 121A.40-121A.56. Restorative practices and consequences for unsafe behavior are not mutually exclusive. Restorative Practices are a form of community building with roots in Indigenous communities and communities of color. It requires a belief that people are profoundly relational, interconnected, and inherently good. We will use restorative strategies to intentionally build community, repair harm if harm is caused, and amplify the impact of instruction in an effort to allow us to live up to our mission, vision, and core values. We acknowledge the lived experiences of all students, staff and community members. Therefore, we will use restorative practices and mindsets to build a school culture encompassed in equity and respect. However, when our young people engage in behavior that is unsafe to themselves, others, and/or our staff members- there will be a consequence for that behavior.

In view of the foregoing and in accordance with Minnesota Statutes, section 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

### **III. DEFINITIONS**

- A. "Alternative educational services" may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center.
- B. "Alternatives to Suspension" means an action taken by the school to place a student in an alternative setting for a short duration.
- C. "Dismissal" means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.
- D. "Exclusion" means an action taken by the School Board to prevent enrollment or re-enrollment

of a pupil for a period that shall not extend beyond the school year.

- E. "Expulsion" means a School Board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled.
- F. "Non-exclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services. Non-exclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).
- G. "Parent" means (a) one of the pupil's parents, (b) in the case of divorce or legal separation, the parent or parents with physical custody of the pupil, including a noncustodial parent with legal custody who has provided the district with a current address and telephone number, or (c) a legally appointed guardian. In the case of a pupil with a disability under the age of 18, a parent may include a district-appointed surrogate parent.
- H. "Pupil" means any student: (a) without a disability under 21 years of age; or (b) with a disability until September 1 after the child with a disability becomes 22 years of age; (c) and who remains eligible to attend a public elementary or secondary school.
- I. "Pupil withdrawal agreement" means a written agreement between a district administration and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.
- J. "Removal from class" means any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending a class or activity period for a period of time.
- K. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a pupil from attending school for a period of no more than ten school days.

#### **IV. AREAS OF RESPONSIBILITY**

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent. The superintendent 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 superintendent 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. Principal. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal 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. A principal, in exercising their lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another. Principals shall be responsible for implementing restorative practices interventions and have de-escalation training.
- D. Teachers. 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. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to restrain a student to prevent imminent bodily harm or death to the student or another. All teachers shall be responsible for implementing restorative practices interventions and have de-escalation training.
- E. Other School District Personnel. 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. A school employee, school bus driver, or other agent of a school district, in exercising their lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or another. Furthermore, school employees shall be responsible for implementing restorative practices interventions and have de-escalation training.
- F. Parents or Legal Guardians. 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. They are also responsible to help create a restorative environment and be an active member in the student, parent, schools covenant.
- G. Students. 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. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.
- I. Reasonable Force Reports
  - 1. The school district must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
  - 2. Beginning with the 2024-2025 school year, the school district must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to

prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).

3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

## **V. STUDENT RIGHTS AND RESPONSIBILITIES**

All students have the right to an education and the right to learn.

All students have the responsibility:

- A. For their behavior and for knowing and honoring all school rules, regulations, policies, and procedures in a mutually respectful way;
- B. To treat each person with respect, dignity, and humility;
- C. To seek out understanding on their own and then ask questions to gain deeper understanding without using shaming, accusatory, or hurtful language on their own. If anybody does not understand how someone identifies or prefers to be acknowledged;
- D. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- E. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- F. To make necessary arrangements for making up work when absent from school;
- G. To assist the school staff in maintaining a safe school for all students;
- H. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- I. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- J. To be aware of and comply with federal, state, and local laws;
- K. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- L. To respect and maintain the school's property and the property of others;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. 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 the school district. These examples are not intended to be an exclusive list. 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 or property immediately adjacent to school grounds; 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, school-sponsored activities, events, or trips. School district property extends to include student's attending school or school-related functions, activities, or events. 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 the school district or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
2. The use of hate speech or verbal assault and/or targeting with the intention to harm someone based on race, religion, ability, gender identity, sexual orientation, or physical appearance that are not associated with colloquial ways of speaking, or the possession of obscene materials; including in-person, online, or via social media;
3. Gambling on school property;
4. Violation of the school district's Hazing Prohibition Policy (BCCS policy 526);
5. Violation of the school district's Student Attendance Policy (BCCS policy 503) including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission.
6. Use of physical force or violence towards staff;
7. Using, possessing, or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the school district's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy (BCCS policy 419);
8. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances (BCCS policy 418);
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances (except as prescribed by a physician), (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student) (BCCS policy 418);
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. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects (BCCS policy 501);
12. Violation of the school district's Weapons Policy (BCCS policy 501);
13. Violation of the school district's Violence Prevention Policy (BCCS policy 525);

14. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon (BCCS policy 501);
15. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive including fireworks and/or any ignition device such a butane or disposable lighter or matches inside an educational building or on school district property and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
16. Violation of any local, state, or federal law as appropriate;
17. Acts disruptive of the educational process as determined by administration;
18. Violation of the school district's Internet Acceptable Use and Safety Policy or violation of the school student device agreements (BCCS policy 524);
19. Use of a district provided and/or personal device on school network in violation of the school district's Internet Acceptable Use policy (BCCS policy 524);
20. Violation of school bus or transportation rules or the school district's Student Transportation Safety Policy (BCCS policy 709);
21. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
22. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker and/or violation of the school district's Search of Student Lockers, Desks, Personal Possessions, and Student's Person Policy (BCCS policy 502);
23. Violation of the school district's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy;
24. Possession or distribution of slanderous, libelous, or pornographic materials;
25. Violation of the school district's Bullying Prohibition Policy (BCCS policy 514);
26. 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 group or which connotes gang membership;
27. Criminal activity;
28. Falsification of any records, documents, notes, or signatures; Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;
29. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of phones or other technology to accomplish this end;
30. Impertinent or disrespectful words, symbols, acronyms, or language, whether

oral or written, related to teachers or other school district personnel;

31. Violation of the school district's Harassment and Violence Free Schools Policy (BCCS policy 413);
32. Actions, including fighting or any other assaultive 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;
33. Committing an act which inflicts great bodily harm upon another person, even when accidental or the result of poor judgment;
34. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
35. Verbal assaults or verbally abusive behavior including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property; including in-person, online, or via social media
36. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist; including in-person, online, or via social media
37. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, gender identity, or sexual orientation;Yes
38. Violation of the school district's Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees Policy (BCCS policy 505);
39. Violation of the school district's one-to-one device rules and regulations
40. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
41. Other acts, as determined by the school district, 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 the school district or the safety or welfare of students or employees.

## **VII. DISCIPLINARY ACTION OPTIONS**

The general policy of the school district is to use instruction and restorative practices to create a positive school community and restorative environment. At a minimum, violation of school district code of conduct, rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school district shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other school district personnel, and verbal warning;
- B. Confiscation by school district personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
- C. Parent/Guardian contact;
- D. Parent/Guardian conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities and/or out of school time programming;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Referral to police, other law enforcement agencies, or other appropriate authorities;
- N. Out-of-school suspension under the Pupil Fair Dismissal Act;
- O. Participation in an admission or readmission plan;
- P. Expulsion under the Pupil Fair Dismissal Act;
- Q. Exclusion under the Pupil Fair Dismissal Act; and/or
- R. Other disciplinary action as deemed appropriate by the school district.

#### **VIII. REMOVAL OF STUDENTS FROM CLASS**

- A. The teacher of record shall have the general control and government of the instructional space. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. Students may be removed from the instructional space after the teacher has attempted restorative strategies that have been unsuccessful. The classroom teacher or school staff will call the front office who will then walkie for support from the principal, assistant principal, dean, or restorative practice coordinator/specialists. The decision to remove the student will be based on an informal processing check-in with the student. Removal will ultimately be the responsibility of the support staff who responds to the call. All restorative interventions and removal of a student from class will be logged in the Restorative Practices Support form.

Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school district employees, 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 administration or their designee, requires removal of the student from class.

A student will 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.

- B. If a student is removed from class at a frequency that disrupts the learning of said student, the school district shall convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- C. Procedures for Removal of a Student From a Class. The school procedures for staff will include the following:
  1. Specify procedures to remove a student from a class to be followed by a teacher, school administrator, or other school district employee;
  2. Specify required approvals necessary;
  3. Specify paperwork and reporting procedures.
- D. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods or 80% of the overall school day) for a violation of a rule of conduct)
  1. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher. A return to the classroom environment will also include a restorative conversation as a means to repair the environment.
- E. Responsibility for a Student Removed from Class. The school procedures for staff will include the following:
  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 responsibility for student after removal from class.
- F. Procedures for Return of a Student to a Specific Class from Which the Student was

Removed. The school procedures for staff will include the following:

1. Specification of procedures;
  2. Actions or approvals required such as notes, conferences, readmission plans.
- G. Procedures for Notifying a Student and the Student's Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions; The school procedures for staff will include the following:
1. Specification of Procedures;
  2. Actions or approvals required, such as notes, conferences, readmission plans.
- H. Students with Disabilities; Special Provisions. The district procedures for staff will include the following:
1. Procedures for consideration of whether there is a need for further assessment;
  2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Program (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.
- I. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises. The school procedures for staff will include the following:
1. Establishment of a chemical abuse pre-assessment via the Health Resource Center. pursuant to Minnesota Statutes, section 121A.26;
  2. Establishment of teacher reporting procedures to the chemical abuse pre-assessment team pursuant to Minnesota Statutes, section 121A.29.
- J. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.

## **IX. DISMISSAL**

- A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion, and suspension. Dismissal does not include removal from class.

The school district 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.

The school district shall not dismiss any student without attempting to use non-exclusionary disciplinary policies and procedures before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- 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 significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
  3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.
- C. Disciplinary Dismissals Prohibited for Pre-k through Grade 3
1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
    - a. a preschool or pre-kindergarten program, including an early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
    - b. kindergarten through Grade 3.
  2. This section does not apply to a dismissal from school for less than one school day, also known as "Sent home for the day", except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services. A dismissal from school for one day or less for a student with an IEP grades preK-grade 3 is considered a day of suspension.
  3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under Nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.
- D. Suspension Procedures
1. "Suspension" means 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) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
  2. 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. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.
  3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other

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

4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for less than one day, except as provided under federal law for a student with a disability. Each suspension action will include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. 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 the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
5. A student with a disability may be suspended. When a student with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the student's IEP team, including at least one of the student's teachers, shall meet and determine the extent to which the student needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed.
6. Alternative education services must be provided to a pupil who is suspended for more than five (5) consecutive school days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minnesota Statutes, section 123A.05 selected to allow the student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.
7. 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 the student's version of the facts. A separate administrative conference is required for each period of suspension.

8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
  - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
  - b. petition the juvenile court that the student is in need of services under Minnesota Statutes chapter 260C. (BCCS policy 503)
9. 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, Minnesota Statutes, sections 121A.40-121A.56, shall be served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian within forty-eight (48) hours of the conference.
10. 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.
11. 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 forty-eight (48) hours of the suspension. Written communication will be served.
12. 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) consecutive school days.
13. If a student with a disability is suspended for more than five consecutive days or ten cumulative days in the same year, the team must meet to determine the extent to which the student needs services to continue to participate in general education curriculum and progress in meeting IEP goals. Meeting must occur as soon as possible, not more than 10 days after the 6th consecutive day or 10th cumulative day of suspension has elapsed. For students with disabilities in which a suspension has been given, alternative educational services will begin on the 6th consecutive day of any ten day suspension or when at ten cumulative days. The alternative educational service provided will be documented.

E. Expulsion and Exclusion Procedures

1. "Expulsion" means 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. The authority to expel rests with the school board.
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 and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.

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 the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and their 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, Minnesota Statutes, sections 121A.40-121A.56; describe the non-exclusionary disciplinary practices 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. The school district must 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 Education (MDE) and is posted on its website.
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 the school district, 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. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
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. The school district 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 MDE. The school board may appoint an attorney to represent the school district 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 and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. 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 any tests or reports 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 which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.

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.
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 the Minnesota Department of Education (Commissioner) 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 within twenty-one (21) calendar days of school board action pursuant to Minnesota Statutes section 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
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 their parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

#### **X. ADMISSION OR READMISSION PLAN**

A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior, which may include completing a character education program consistent with Minnesota Statutes, section 120B.232, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

## **XI. NOTIFICATION OF POLICY VIOLATIONS**

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, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a school district employee by a pupil, and each pupil withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault, to the MDE Commissioner. This report must include a statement of the non-exclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the pupil 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 the pupil's age, grade, gender, race, and special education status.

## **XII. STUDENT DISCIPLINE RECORDS**

The policy of the school district is 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, Minnesota Statutes chapter 13.

## **XIII. STUDENTS WITH DISABILITIES**

Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 plan specifies a necessary modification.

If a student with a disability is suspended for more than five consecutive days or ten cumulative days in the same year, the team must meet to determine the extent to which the student needs services to continue to participate in general education curriculum and progress in meeting IEP goals. Meeting must occur as soon as possible, not more than 10 days after the 6th consecutive day or 10th cumulative day of suspension has elapsed. For students with disabilities in which a suspension has been given, alternative educational services will begin on the 6th consecutive day of any ten day suspension or when at ten cumulative days. The alternative educational service provided will be documented.

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the student's IEP team and the student's parent or guardian shall, consistent with federal law, conduct a manifestation determination and determine whether the student's behavior was (i) caused by or had a direct and substantial relationship to the student's disability and (ii) whether the student's conduct was a direct result of a failure to implement the student's IEP.

If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. When a student who has an IEP is excluded or expelled for behavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services during the period of expulsion or exclusion.

If the IEP team determines that the behavior which led to the suspension is a manifestation of the disability, the student cannot be expelled for the behavior (see Pupil Fair Dismissal Act). In that case the district can make a placement to an Interim Alternative Education setting for 45 school days if the behavior includes a dangerous weapon, illegal drugs, or significant bodily harm. If the IEP team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral support plan for such student provided that the school district had not

conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

#### **XIV. OPEN ENROLLED STUDENTS**

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minnesota Statutes section 124D.03) or Enrollment in Nonresident District (Minnesota Statutes section 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 (Minnesota Statutes chapter 260A), and the student's case has been referred to juvenile court.

#### **XV. DISCIPLINE COMPLAINT PROCEDURE**

Students, parents and other 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.

The Discipline Complaint Procedure must, at a minimum:

1. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;
2. provide an opportunity for involved parties to submit additional information related to the complaint;
3. provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;
4. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;
5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

#### **XVI. DISTRIBUTION OF POLICY**

The school district will notify students and parents or guardians 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 principal's office.

## **XVII. REVIEW OF POLICY**

The principal and representatives of parents or guardians, students and staff in each school building 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 superintendent for consideration by the school board, which shall conduct an annual review of this policy.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120B.02 (Educational Expectations and Graduation Requirements for Minnesota Students)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.26 (School Pre-assessment Teams)  
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. §§ 121A.60 (Definitions)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 122A.42 (General Control of Schools)  
Minn. Stat. § 123A.05 (State-Approved Alternative Program Organization)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.08 (School Boards' Approval to Enroll in Nonresident District; Exceptions)  
Minn. Stat. Ch. 125A (Special Education and Special Programs)  
Minn. Stat. § 152.22, Subd. 6 (Definitions)  
Minn. Stat. § 152.23 (Limitations)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. Ch. 260C (Juvenile Safety and Placement)  
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

**Cross References:** MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices)  
MSBA/MASA Model Policy 501 (School Weapons)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 503 (Student Attendance)  
MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)  
MSBA/MASA Model Policy 610 (Field Trips)  
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)  
MSBA/MASA Model Policy 711 (Video Recording on School Buses)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)