



<b>Policy Title &amp; Number</b>	506.1 Student Discipline and Notice of Suspension
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<b>Related Policy(ies):</b>	
<b>Policy Type (Operating, Board)</b>	Operating

**A. Purpose**

The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

**B. Definitions**

**C. Policy Statement**

**DISCIPLINE PHILOSOPHY / POLICY**

The mission of the Discipline Program at TrekNorth is to develop autonomy, self-discipline, and compassion within individual students. We believe in a restorative approach instead of a punitive approach. The Discipline Program aims to

- be restorative in nature
- be behaviorally formative
- be considerate of the individual
- contribute to the academic success of the student
- contribute to the overall mission of the school
- operate primarily concerned with prevention and pro-action

TrekNorth has at its core the goal of using Restorative Philosophies and Practices to deal with harm when it

occurs at school. The goal of Restorative Practices is to “restore” the community after an incident or harm has been committed giving students an opportunity to correct and learn from any wrongdoings they may have done rather than just assigning a punitive consequence. For this reason, the discipline process will at times be very individualized and the offender will be held accountable under a plan devised by TrekNorth Administration. TrekNorth staff desire to be fair, concerned, and caring about the welfare of all of our students.

The level of severity of the discipline will be determined by the Administration, and, in some cases, the individuals involved. Common sense being the rule, teachers are expected to uphold the spirit of TrekNorth's discipline policy. The discipline will be administered in consideration of the individual student, pattern of behavior, and severity of incident. The vast majority of discipline problems are to be dealt with at the classroom level. It is vital for parents and students to realize that maintaining an orderly atmosphere in the school and the classroom is critical to the learning process. As in all other areas of education at TrekNorth, caring and forgiveness will be an integral part of the discipline of a student. Any student who consistently possesses and shares with others a negative attitude toward TrekNorth, faculty, or fellow students may be called on to meet with parents and administration.

*This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval by the Director.*

#### **D. Associated Procedures or Other Information**

##### **ACADEMIC RIGHTS AND RESPONSIBILITIES**

TrekNorth exists to provide a quality education with a focus on college-readiness and wilderness and service experiences. The following serve as guidelines for academic policy.

###### *RIGHTS*

To function well in the classroom you must have a clear idea of what the teachers expect of you. Therefore, you have a right to know what the requirements are for each course in which you are enrolled. If the course requirements seem unclear to you, or if you have questions, you should ask for clarification. You also have a right to be evaluated fairly. Grades, progress reports, and other forms of evaluation should be based on requirements that are clearly set forth by teachers and they should be applied fairly to all students.

###### *RESPONSIBILITIES*

At TrekNorth the teachers and administration strongly believe that homework will contribute to the academic success of students. To function well in the classroom you must do the homework as required by the teacher. Homework serves as a link between the student, the home, and the classroom. Homework fosters good study habits such as independent learning, effective time management, and personal responsibility. While recognizing the usefulness of homework, TrekNorth staff also strives to assign reasonable homework loads, realizing the need to maintain a balance in students' lives. Homework will be a daily activity for most students. Students who use their school time responsibly should not have excessive amounts of homework. If students are consistently overwhelmed with homework, parents should contact the student's teachers.

###### **Student Responsibilities:**

Attend school regularly and come prepared.

Complete homework assignments neatly and on time.  
Schedule time wisely to meet assignment deadlines.  
Get assignments when absent and complete any make-up work within specified teacher timelines.  
Come to classes adequately prepared with materials for participating in class.  
Contribute positively to the unique TrekNorth community.

**Participate in any necessary academic or behavioral problem-solving with school staff.**

**Teacher Responsibilities:**

Assign work for academic reasons to practice, reinforce, and master skills.  
Provide clear directions for assignment, format, and due date.  
Provide checkpoints for long-term assignments.  
Provide in-class time for students to begin their homework.

**Participate in any necessary academic or behavioral problem-solving for individual students.**

**Parent Responsibilities:**

See that your child is punctual and attends school regularly.  
Provide an appropriate place and atmosphere for homework.  
Set aside homework/reading time nightly.  
Contact teachers with questions regarding homework.

**Participate in any necessary academic or behavioral problem-solving with school staff.**

**STUDENT RIGHTS**

**Right to Seek Change**

Students and parents are encouraged to participate in or seek change in the operation of TrekNorth in a variety of ways. Parent Partner Meetings, Parent Conferences, and Open Houses are held during the year to both provide information and seek input from parents. Parents may also serve on committees formed to provide advice to the Administration or the Board of Directors. Individuals may also provide direct input to staff members. It is TrekNorth policy to attempt to resolve situations at the lowest level. Therefore, if a situation involves an individual teacher or staff member, that person should be contacted first before elevating the issue to the school's Executive Director and/or the TrekNorth Board of Directors.

**Right to Be Free From Discrimination**

TrekNorth policies are designed to prevent students from being discriminated against, or denied the benefits of educational programs or activities based on your race, gender, religion, ethnicity, sexual preference, national origin, age, or disability in any TrekNorth program or activity. If you believe that you have been discriminated against notify the Executive Director, or, if you feel the Executive Director is the source of the discrimination, please notify the Board of Directors. If the issue has to do with a disability, also notify a member of the Special Education Department.

**Right to Free Expression**

Students have a limited right to free expression. This right is found in the First Amendment to the United States Constitution. In the classroom, this means that you may express your opinions orally or in writing. Outside of the classroom, at school, on the bus, or at school activities you also have a limited right of free speech. The limitation on your right to speak is that your speech must not create a material and substantial disruption to the educational process, or harm someone's reputation, or create a clear and present danger

to others. In addition, the First Amendment does not protect speech that leads to unlawful action; nor does it protect obscenities. These legal requirements apply to whatever you write or say when you come to school or school activities. If you cross the line from protected speech, where you are expressing your point of view or opinion, to the speech that creates a material and/or substantial disruption, you can face disciplinary consequences.

### **Right to Free Association**

You are generally free to associate with, join, and participate in groups of your own choosing. However, any group, whether school-sponsored or not, that engages in activities which interfere with the rights of others, or which disrupt the educational environment or the educational process, may be subject to disciplinary actions by the school officials or appropriate law enforcement agencies. A significant exception to the right to freely associate is gang related activity. Policy prohibits gangs at school or at school-sponsored events. A "gang" is defined as any group of three or more individuals who share a common interest, bond or activity that is characterized by criminal, delinquent, or otherwise disruptive conduct. This conduct may be individual or collective. Student dress and appearance that is related to gang activity is also prohibited. Likewise, gestures, signals or graffiti related to gang activity, including initiations and hazing, will not be tolerated. Individuals violating the provisions of this policy are subject to suspension and expulsion. In addition the appropriate law enforcement agency may become involved.

### **Right to Peaceful Assembly**

The First Amendment to the United States Constitution allows students of a school to peacefully assemble on the school grounds. However, such assembly must comply with attendance rules and procedures as well as building regulations.

### **Right to Individual Dignity**

Each and every person is entitled to be treated with respect and dignity regardless of his or her race, color, ethnicity, religion, gender, social status, disability or age. The dignity of each individual is best served when all concerned--students and school personnel alike—treat one another as they would like to be treated. In particular, sexual harassment and bullying behavior are not tolerated at TrekNorth or at school activities; nor, is such behavior tolerated on buses or at bus stops.

### **Right to be Free from Sexual Harassment**

Sexual harassment is defined as sexually oriented remarks, behavior or jokes that make you so uncomfortable for a significant period of time that you consider not coming to school, or a particular class or activity. Your responsibility is to clearly indicate that the remarks, behavior, etc. are not welcome and are offensive to you. This is not an easy thing to do, but you must make it clear to the people who are making you uncomfortable that this is the case. If it does not stop, you need to report it to an adult.

### **Right Not to Be Bullied**

Bullying is any written or verbal expression, physical act or gesture that is intended to cause you distress. It can be direct or indirect. Direct bullying can be physical in nature, such as hitting, kicking, pushing, or choking. Or, it can be verbal, such as name-calling, threatening, teasing, posting hurtful comments or video on social media, etc. Indirect bullying is subtle and may be difficult to detect. It can take many forms such as social isolation, intentional exclusion, making faces, staring, obscene gestures, manipulating friendships, etc. You need to report any bullying actions to your advisor or another staff person.

### **Rights Relating to Search and Seizure**

The Fourth Amendment to the Constitution of the United States protects citizens from "unreasonable" searches of their persons or property by the government, and against "unreasonable" seizures of their property. Remember however, that student desks and lockers are school property, not yours. Therefore, such desks and lockers may be searched by school officials and contraband material seized at any time.

When there is "reasonable suspicion" that a particular student has violated school rules or a law, a search of a student's person or property can legally be initiated by school authorities. If staff members suspect a student may be in violation of a law because of the way a student behaves or because they have a physical appearance or odor associated with unlawful activities, that student, as well as that student's property, will be searched by school staff and/or officers of the law.

### **Right to Privacy in Your Student Records**

The school maintains important files of information on each student. You and your parents or guardians may review those records with reasonable advance notice to the school. Parents and students over 18 years of age have the right to challenge any educational record on the grounds that it is inaccurate or misleading. School officials may obtain access to your records for educational purposes. All individually identifiable educational information is private as defined by FERPA and the Minnesota Government Data Practices Act, and may not be released without the consent of a student's parent, or, in the case of an 18-year old student, by the student themselves.

## **STUDENT RESPONSIBILITIES**

### **Your Responsibility to Respect Property**

Students are expected to treat all property with care and respect. This applies not only to property of the school, but also to private property brought to school by school staff, other students, or visitors. This also applies to property surrounding the school, whether owned by businesses or the homes of individuals.

### **Your Responsibility to Keep Your School Free of Weapons**

**Board policy provides that any student carrying, bringing, using, or possessing any dangerous or deadly weapon in any school building, on school grounds or at any school sponsored event shall be recommended for expulsion.**

No student or non-student, including adults and visitors, shall possess, use or distribute a weapon when in a school location. A "weapon" means any object, device or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded, operable or inoperable; air guns; pellet guns; BB guns; firearm facsimiles; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stun-guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon. Also, no person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

A student who finds a weapon on the way to school or in a school location, or a student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon discreetly and

immediately to the Director's office or notifies an administrator, teacher, other staff member, shall not be considered to possess a weapon.

There will be times when staff members will need to use items such as a knife for cutting food, at school or on a OAP/SLP trip, and they will not be considered in possession of a weapon. Staff members are expected to exercise discretion and sound judgment when using something that could be construed as a weapon. Additionally, there will be times when students will be using items, such as an exacto knife, under the supervision of a staff member. When a student uses an item in this manner, so long as they follow the instructions given to them by the staff member, that student will not be considered to be in possession of a weapon.

### **Your Responsibility to Keep Your School Drug and Alcohol Free**

The Board policy on Substance Abuse by Students prohibits the use, possession, sale or distribution of alcohol or any controlled substance (or any substance represented as alcohol or a controlled substance) on school property, or in connection with any school sponsored activity (on or off school property).

Expulsion is mandatory for the sale (including giving as a gift) of controlled substances. Note also, that if the use or possession of alcohol or controlled substances off school property is detrimental to the health, safety or welfare of students or staff, it may also be a punishable offense pursuant by Minnesota state statute.

### **Your Responsibility to Keep Your School Tobacco-Free**

In order to promote the general health, welfare and well-being of students and staff, board policy—and state law--forbids smoking, chewing or other use of any tobacco product on school property or at school activities at any time. The state law also forbids possession of tobacco by students on campus and by minors anywhere.

### **Your Responsibility to Keep Your School Free of Violence and Bullying**

In order to promote an academic, college-oriented school, TrekNorth forbids any physical violence or bully behavior. TrekNorth is a safe community and does not tolerate bully behavior of any kind. Bullying is any written or verbal expression, physical act or gesture that is intended to cause someone distress. It can be direct or indirect. Direct bullying can be physical in nature, such as hitting, kicking, pushing, or choking. Or, it can be verbal, such as name-calling, threatening, teasing, posting on social media, etc. Indirect bullying is subtle and may be difficult to detect. It can take many forms such as social isolation, intentional exclusion, making faces, staring, obscene gestures, manipulating friendships, etc. Any student who makes a verbal threat to another student or staff, and any student who uses physical intimidation on another student or staff, or any student who uses abusive language directed towards another student or staff member, may be suspended and the police may be notified. Please refer to the TrekNorth Bullying Policy in this document.

## **CODE OF CONDUCT**

The TrekNorth Code of Conduct is designed to help establish a safe environment, free from material and substantial disruptions for all students, parents, staff, and visitors. TrekNorth expects that students will conduct themselves so as to comply with all school rules; learn and assume responsibility for their behavior; and follow the directives of staff.

### **TREKNORTH CODE OF CONDUCT**

- \* Attending all classes each day and being on time; Abide by the TrekNorth Attendance Policy
- \* Preparing for each class with appropriate materials and completed assignments
- \* Dressing according to the dress code adopted by the school
- Knowing that the use, possession, and/or sale of illegal or unauthorized drugs, alcohol, and weapons is unlawful and prohibited and to never cause or allow their presence on campus.
- Abiding by the TrekNorth Contract in regards to violence, weapons, vandalism, intimidating behavior (bullying), smoking, drug/alcohol possession, use or sale, stealing, and bus behavior contrary to District 31 policies
- \* Showing respect toward others
- \* Conducting oneself in a responsible manner
- \* Paying required fees and fines
- \* Knowing and following all school rules in the Code of Student Conduct and the expectations of the restorative learning approach we take to manage student discipline
- \* Cooperating with staff members in the investigation of disciplinary matters
- \* Seeking changes in school policies and regulations in an orderly and responsible manner, through appropriate channels
- \* Reporting threats to the safety of students and staff members as well as behavior on the part of any other students or staff members to the building principal, a teacher, or another adult
- \* Using TrekNorth technology systems for school business purposes only and using school computers and related equipment appropriately

### **TREKNORTH CONTRACT**

Each student attending TrekNorth must have a signed TrekNorth Handbook Agreement on file with the school. TrekNorth does not tolerate the following behaviors. Individuals who commit one of the following offenses will be subject to increased disciplinary action: *physical violence, weapons, terroristic threats, alcohol/drugs, stealing, tobacco use, vandalism, negative bus behavior, harassment and bullying behavior.*

#### Possible Disciplinary Actions:

- 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.
- c. Parent contact;
- d. Parent conference;
- e. Removal from class;
- f. In-school suspension;
- g. Suspension from extracurricular activities;
- h. Restriction of privileges;
- i. Loss of school privileges;
- j. In-school monitoring or revised class schedule;
- k. Referral to in-school support services, such as TNT Tutoring;
- l. Referral to community resources or outside agency services;
- m. Financial restitution;
- n. Referral to police, other law enforcement agencies, or other appropriate authorities;
- o. Out-of-school suspension under the Pupil Fair Dismissal Act;
- p. Preparation of an admission or readmission plan;

- q. Expulsion under the Pupil Fair Dismissal Act or Exclusion under the Pupil Fair Dismissal Act; and/or
- r. Other disciplinary action as deemed appropriate by the TrekNorth Administration.

## REMOVAL OF STUDENTS FROM CLASS

A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any 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 not to exceed five (5) days, pursuant to this discipline policy.

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

1. 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. Conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
3. Violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy; or
4. A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by the administration.

B. If a student is removed from class creating a pattern of behavior, administration may notify the parent or guardian of the student and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

## 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 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.

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. Violation of any TrekNorth regulation, including those found in this policy;
2. 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. Conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

C. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the administration, prohibiting a student from attending school or school functions 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 seek approval from the Superintendent/designee 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. 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.
3. Each suspension action may include a readmission plan and meeting. 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.
4. A child with a disability may be suspended. When a child 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 child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child 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 child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.
5. The school administration shall implement alternative educational services when the suspension exceeds five (5) 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, enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the student to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.

6. 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.

7. 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. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.

8. 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. §§ 121A.40- 121A.56, shall be served upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)

9. 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.

10. 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. Service by mail shall be complete upon mailing.

11. Notwithstanding the foregoing provisions, the student may be suspended pending the Administration's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

#### Expulsion and Exclusion Procedures

1. "Expulsion" means a School Board action to prohibit an enrolled student from further attendance at school or school functions 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, Minn. Stat. §§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 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. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent 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 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 Education (MDE).

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 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 Minn. Stat. § 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 his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

#### ADMISSION OR READMISSION PLAN

The Assistant Director/ designee shall prepare and enforce an admission or readmission plan for any student who has a discipline referral resulting in an out of school suspension. 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.

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

#### 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, Minn. Stat. Ch. 13.

#### DISABLED STUDENTS

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. Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child'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. If the 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 intervention 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. When a student who has an IEP is excluded or expelled for misbehavior 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.

#### DISTRIBUTION OF POLICY

The school district will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. This policy shall be made available to all students and parents on the school website. This policy shall also be available upon request in Executive Director's office.

#### REVIEW OF POLICY

The Executive Director, Assistant Director, and representatives of parents, students and staff 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 Executive Director for consideration.

## E. Associated Forms

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students) Minn. Stat. § 120B.232 (Character Development Education) Minn. Stat. § 121A.26 (School Preassessment Teams) Minn. Stat. § 121A.27 (School and Community Advisory Team) 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 (Reasonable Force) Minn. Stat. §§ 121A.60-121A.61 (Removal From Class) Minn. Stat. §§ 122A.42 (General Control of Schools) Minn. Stat. Ch.125A (Students With Disabilities) Minn. Stat. § 609.605, subd.4, State Trespassing Regulation 20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004) 29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)

Cross References: MSBA/MASA Model Policy 413 (Harassment and Violence) 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 709 (Student Transportation Safety Policy)