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*White Bear Lake Area  
School Board Policy 506*

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## **506 WHITE BEAR LAKE AREA SCHOOL DISTRICT STUDENT DISCIPLINE POLICY**

### **I. PURPOSE**

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

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

The School Board of Independent School District No. 624 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.

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

Students must conduct themselves in an appropriate manner that supports a climate in which learning can take place. Overall climate 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.

- B. Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. It is the position of the school district that a fair and equitable district-wide student discipline policy will contribute to the quality of each student's educational experience. This discipline policy is adopted in accordance with The Pupil Fair Dismissal Act, Minn. Stat §§ 121A.40-121A.56, which provides definitions for: Dismissal, Exclusion, Expulsion, and Suspension.

- 1) "Dismissal" means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.
- 2) "Exclusion" means an action taken by the school board to prevent enrollment or reenrollment of a pupil for a period that shall not extend beyond the school year.
- 3) "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.
- 4) "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 Pupil Fair Dismissal Act page 2 no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative education services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

Detailed information can be found in IXD.

- C. In view of the foregoing and in accordance with Minn. Stat §§ 121A.55, the school board with the participation of school district administrators, teachers, employees, students, parents/guardians, 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. AREAS OF RESPONSIBILITY**

- A. 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 the district's discipline policy.
- B. Superintendent: The superintendent shall establish guidelines and directives to carry out this policy, holds all school personnel, students and parents/guardians responsible for conforming to this policy, and supports 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/guardians.

- C. Building/Building Supervisor: The school principal/building supervisor 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/building supervisor shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal/building supervisor shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal/building supervisor 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/guardians. A principal/building supervisor, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- 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 correct or restrain a student or prevent bodily harm or death to another.
- 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 his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
- F. Parents and Legal Guardians: Parents/guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. Students: 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 important partners in contributing to the atmosphere of mutual respect and student adherence to the Code of Student Conduct Policy.

#### **IV. STUDENT RIGHTS**

All students have a right to an education in a respectful atmosphere that is conducive to learning.

## **V. STUDENT RESPONSIBILITIES**

All students have the responsibility:

- A. To know and obey all school rules, regulations, policies and procedures, and to conduct themselves in accord with them;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students enrolled;
- F. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- G. To be aware of and comply with federal, state and local laws;
- H. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- I. To respect and maintain the school's property and the property of others;
- J. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- K. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- L. To conduct themselves in an appropriate physical or verbal manner; and
- M. To recognize and respect the rights of others.

## **VI. CODE OF STUDENT CONDUCT – UNACCEPTABLE BEHAVIORS**

- 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

and events. School district property also may mean a student's walking route to and from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and 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, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism.
2. The use of profanity or obscene language, or the possession of obscene materials;
3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
5. Opposition to authority using physical force or violence;
6. Using, possessing or distributing tobacco or tobacco paraphernalia;
7. 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 or look-alike substances.
8. Using, possessing, or distributing alternative nicotine products (i.e. e-cigarettes, Personal vaporizers, e-liquid).
9. Using, possessing or distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student.
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;
12. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;

13. Possession, use or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function by explosion;
14. Possession, use or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation;
15. Use of video and auditory recording equipment, which includes cell phones and other technology devices, including but not limited to use in bathrooms and locker rooms, except where the device is used in a manner authorized by the school;
16. Use or possession of an ignition device (e.g., butane lighter or matches), except where the device is used in a manner authorized by the school.
17. Violation of any local, state or federal law as appropriate;
18. Acts disruptive of the educational process, including, but not limited to, disobedience; disruptive or disrespectful behavior; defiance of authority; cheating; insubordination; failure to identify oneself; improper activation of fire alarms or defibrillators; or bomb threats;
19. Use of devices or objects to cause distractions or disruptions and may facilitate cheating, including, but not limited to: pagers, cell phones, and other electronic devices;
20. 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;
21. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
22. Possession or distribution of slanderous, libelous or pornographic materials;
23. 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 emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership or is otherwise deemed objectionable by the District;
24. Criminal activity;
25. Falsification of any records, documents, notes or signatures;

26. 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;
27. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism or collusion; including the use of cell phones or other technology to accomplish this end;
28. Impertinent or disrespectful language toward teachers or other school district personnel;
29. Violation of the school district's Harassment and Violence Policy or Bullying Prohibition Policy;
30. Actions, including fighting or any other assaultive behavior, which cause 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;
31. Committing an act which inflicts bodily harm upon another person, even though accidental or a result of poor judgment;
32. 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;
33. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people;
34. Physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
35. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation;
36. Violation of school rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
37. 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 obstructs the mission or operations of the school district or the safety or welfare of students or employees.

## **VII. DISCIPLINARY ACTION OPTIONS**

It is the general policy of the school district to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school district. At a minimum, violation of school district 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 the 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 things 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;
- H. Detention or restriction of privileges;
- I. Loss of school privileges, e.g. loss of passing time;
- 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. Financial restitution;
- N. Referral to police or other law enforcement agencies, or other appropriate authorities;

- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under The Pupil Fair Dismissal Act;
- Q. Preparation of an admission or re-admission plan;
- R. Extended detention after school or Saturday School;
- S. Expulsion under The Pupil Fair Dismissal Act;
- T. Exclusion under The Pupil Fair Dismissal Act;
- U. Alternative educational setting; and/or
- V. Other disciplinary action as deemed appropriate by the school district.

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

- A. 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, and contacting the student's parents/guardians. 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. Willful conduct that 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 teacher or administration, requires removal of the student from class.

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

B. If a student is removed from class more than ten (10) times in a school year, the school district shall notify the Parent(s)/guardian(s) of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent/guardians or guardian to discuss the problem that is causing the student to be removed from class. A district may terminate the enrollment of a nonresident student enrolled under this section or section 124D.08 at the end of a school year if the student meets the definition of a habitual truant under section 206C.007, subdivision 19, the student has been provided appropriate services under chapter 260A, and the student's case has been referred to juvenile court. A district may also terminate the enrollment of a nonresident student over the age of 17 enrolled under this section if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under section 120A.22, subdivision 8.

C. Procedures for Removal of a Student From a Class

In the elementary or secondary schools, if a student is removed from class, the teacher, principal or other school district employee will complete a report describing the student's behavior. The student will remain in the custody of the building administrator or his/her designee for the duration of the time prescribed.

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

Teachers removing students from class are required to direct the student to the school office and verify his or her arrival as soon as practicable. The administrator may, at his/her option, assign the student to supervision in another area especially designated for this purpose. Students removed for more than one class period will receive assignments from the teachers to enable the student keep up with his/her class work.

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

The student may return to class after a conference with the appropriate administrator, teacher, and/or the parent(s)/guardian(s). At the time of this conference a definite plan of action will be established, including a review of any existing special education services. Students removed from class will be required to examine and take measures to correct inappropriate conduct.

F. Procedures for Notification

Parents/guardians of students removed from class will be notified as soon as practical of the rule violation that led to the removal, resulting disciplinary action, and conditions for re-admission.

G. Students on an IEP; Special Provisions

1. In cases involving students and in need of special education services, appropriate special education staff will be notified of the removal to determine compliance

with the student's IEP and to determine whether further assessment or change in the student's IEP is necessary.

2. In cases involving students with a suspected disability, the student assistance team or school counselor will be notified and the school's pre-referral intervention process will be followed.

#### H. Devices for Detecting Chemical Use While on School Premises

1. Passive Breath Alcohol Sensor Devices may be used to screen students/student guests for evidence of alcohol consumption at school sponsored events. Administration, with reasonable suspicion of student use of alcohol during the school day, may use the Passive Breath Alcohol Sensor Device to determine alcohol consumption.

#### I. Procedures for Addressing Chemical Use or Abuse Problems of Students While on School Premise

1. Use, Possession, Distribution of, or Intent to Distribute Tobacco or Tobacco Paraphernalia

The use, possession, distribution of, or intent to distribute tobacco or tobacco paraphernalia by students in school buildings and on school property is a violation of School Board policy. For students under 18, it is also a violation of Minnesota Public School Law (MSA 609.685).

- a. Individual building discipline committees are authorized to institute those corrective measures that they consider most effective in view of the age and background of the violator.
- b. Suspension is authorized in accordance with The Pupil Fair Dismissal Act. Parents/guardians are to be notified no later than the following school day of a violation except when a principal shall determine an exception is justified.

2. Use, Possession, Distribution of, or Intent to Distribute Alcohol, Drugs and Paraphernalia

The use, possession, distribution, intent to distribute, and/or make a request to another person for (solicitation) alcohol, narcotics, non-prescribed drugs, non-controlled substances packaged to look like controlled drugs, and other illegal substances on school premises or at a school function is prohibited. No student may appear at any school or school-sponsored function in possession or under the influence of alcohol, non-prescribed drugs, chemicals, or illegal substances. It is unlawful for any person knowingly or intentionally to use, possess, or distribute drug paraphernalia. This policy includes students who have reached the legal age of majority.

- a. If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:
  - (a) The employee shall notify the building administrator or a member of the pre-assessment team and shall describe the basis for the concern.
  - (b) The building administrator and/or pre-assessment team will determine what course of action should be taken.
  - (c) Action steps may include: conducting an investigation; gathering objective data from additional staff (i.e. a behavior checklist); scheduling a conference with the student and/or parent(s)/guardian; or conducting a meeting between a single member of the team and the student to discuss the behaviors of concern.
  - (d) Information gathered will be reviewed by the pre-assessment team and/or administrator and a determination of whether or not a chemical use problem exists will be ascertained.
  - (e) If the team determines there is chemical abuse, the team will select an appropriate course of action which may include: parent/guardian conference; referral to a school counselor; sharing of resources for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
- b. When a student is in violation of the above rules at school, the following intervention procedure shall be followed:
  - (a) The staff member informs the student of the observed violation and/or obtains the student's name and accompanies the student to the office.
  - (b) Should the student refuse to go to the office, an administrator shall be called. If possible, the staff member will confiscate the chemicals and/or evidence substantiating the violation/concern.
  - (c) The staff member reports the details of the incident immediately to an administrator.
- c. If the administrator is in agreement with the reporting staff member(s), the following actions will occur:
  - (a) The administrator will follow due process.
  - (b) The administrator will report the violation to the appropriate law enforcement agency by calling "911" or by calling the School Resource Officer.

- (c) The administrator will notify parent/guardian, review school board policy with parent(s)/guardian, and inform parent(s)/guardians that the police have been contacted.
  - (d) The student will be interviewed by the police and an administrator/supervisor. When appropriate, the student may be taken to the police station.
- d. School-Based Consequences:
- (a) First Violation:
    - 1. The student will be prohibited from attending school and school functions for up to 5 days.
    - 2. A parent/guardian conference is required prior to readmission.
    - 3. Upon re-entry, the student will be invited to meet with an appropriate school support resource (e.g. chemical health specialist, school counselor.)
    - 4. If warranted, chemical health assessment resources will also be shared.
    - 5. In addition, the administration may make a recommendation to the superintendent or designee that the student be considered for exclusion/expulsion from school for an appropriate time period under The Pupil Fair Dismissal Act. Should the process proceed, the student will be provided with home based or alternative educational services.
  - (b) Second Violation:
    - 1. The student will be suspended from school for five (5) school days. The five day suspension may be reduced, if school administration receives confirmation/verification that the student attended a chemical health assessment.
    - 2. A parent/guardian conference is required prior to readmission.
    - 3. At the re-entry conference, chemical health assessment resources will be shared with the student and his/her parent(s)/guardian(s) (i.g. community-based professional counseling services).
    - 4. A strong recommendation for student to have a chemical health assessment will be voiced.
    - 5. In addition, the administration may make a recommendation to the superintendent or designee that the student be considered for exclusion/expulsion from school for an appropriate time period under

The Pupil Fair Dismissal Act. Should the process proceed, the student will be provided with home based or alternative educational services.

(c) Third Violation:

1. The student will be suspended for up to ten (10) school days pending further investigation.
2. A parent/guardian conference is required prior to readmission.
3. At the re-entry conference, chemical health assessment resources will be shared with the student and his/her parent(s)/guardian(s).
4. The district will advocate for a chemical health assessment for the student.
5. In addition, the administration may make a recommendation to the superintendent or designee that the student be considered for exclusion/expulsion from school for an appropriate time period under The Pupil Fair Dismissal Act. Should the process proceed, the student will be provided with home based or alternative educational services.

I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct

A. Use, Possession, Distribution of, or Intent to Distribute Tobacco or Tobacco Paraphernalia

The use, possession, distribution of, or intent to distribute tobacco in any form or tobacco paraphernalia by students in school buildings and on school property is a violation of School Board Policy. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district. For students under 18, it is also a violation of Minnesota Public School Law (MSA 609.685).

1. Individual building discipline committees are authorized to institute those corrective measures that they consider are most effective in view of the age and background of the violator.
2. Suspension is authorized in accordance with The Pupil Fair Dismissal Act. Parents/guardians are to be notified no later than the following school day of a violation except when a principal shall determine an exception is justified.

B. Use of Mood-Altering Chemicals by Participants in Minnesota State High School League Sponsored Activities

The MSHSL Bylaw 205 applies continuously from the first signing of the Student Eligibility Statement. The WBLAS District reserves the right to apply increased sanctions over those stated by the MSHSL. It is not a violation for a student to be in possession of a controlled substance specifically prescribed for the student's own use by her/his doctor. Twelve (12) months of the year, a student shall not at any time, regardless of the quantity: (1) use or consume, have in possession a beverage containing alcohol; (2) use or consume, have in possession tobacco; or, (3) use or consume, have in possession, buy, sell, or give away any other controlled substance or drug paraphernalia.

1. First Violation

- a. After confirmation of the first violation, the student shall lose eligibility for the next two (2) consecutive interscholastic contests or two (2) weeks of a season in which the student is a participant, whichever is greater.
- b. No exception is permitted for a student who becomes a participant in a treatment program.

2. Second Violation

- a. After confirmation of the second violation, the student shall lose eligibility for the next six (6) consecutive interscholastic contests in which the student is a participant or six (6) weeks, whichever is greater.
- b. No exception is permitted for a student who becomes a participant in a treatment program.

3. Third and Subsequent Violations

- a. After confirmation of the second violation, the student shall lose eligibility for the next twelve (12) consecutive interscholastic contests in which the student is a participant or six (60) weeks, whichever is greater.
- b. If after the third or subsequent violations, the student has been assessed to be chemically dependent and the student on her/his own volition becomes a participant in a chemical dependency program or treatment program, then the student may be certified for reinstatement in MSHSL activities after a minimum period of six (6) weeks. Such certification must be issued by the director or a counselor of a chemical dependency treatment center.

4. **Progressive and Consecutive Penalties:** Penalties shall be progressive and consecutive beginning with the student's first participation in a League activity and continuing through the student's high school career.

5. Denial Disqualification: A student shall be disqualified from all interscholastic activities for nine (9) additional weeks beyond the student's original period of ineligibility when the student denies violation of the rule, is allowed to participate, and then is subsequently found guilty of the violation.

J. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior

1. School staff will contact parents/guardians to make them aware of on-going concern(s) with their students. Staff will relay the school or classroom expectation and possible outcomes if the behavior continues. Parents/guardians will be encouraged to discuss situation with their child and work with school personnel to address behavior proactively. A meeting with parents/guardians and school personnel to review the area of concern may occur.
2. On-going, inappropriate behavior will be documented on the building referral form. Behavior and consequence will be described and parent(s)/guardian(s) will be contacted by school personnel.

K. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems

1. During the enrollment process, schools will gather as much information from parents/guardian(s) as possible to determine any pre-existing academic, behavioral, or attendance concerns.
2. School administrators will ensure the building is adequately supervised and that a system is in place for reporting behavior concerns, regardless of the time and day.
3. School administration will have a plan for reviewing attendance records on a regular basis and then act on attendance concerns in accordance with the appropriate county truancy program.
4. Schools should have a formal structure for teachers to discuss student behavior concerns that is clearly communicated and followed up by administration.
5. Schools must have a team including administration, counselors, the school nurse, and other staff as available to review student academic, attendance, behavior, and social/emotional concerns.
6. Schools may have staff assigned to intervene and support students early on as behavior concerns are surfacing.
7. Schools will work with district office chemical health support staff to assess student behavior and determine whether or not chemical issues are present.

8. Passive Breath Alcohol Sensor Devices may be used to screen students/student guests for evidence of alcohol consumption at school sponsored events.
9. Administration, with reasonable suspicion of student use of alcohol during the school day may use the Passive Breath Alcohol Sensor Device to determine alcohol consumption.
10. Schools will work with district office personnel to engage and support students from all cultural backgrounds.
11. In conjunction with the Special Education process, schools will have regularly scheduled meetings to consider whether students with academic, behavioral, or social-emotional concerns might need to be assessed for special education services.
12. A formal structure should be created to share information as students transition between schools and grades to assist in continuous support and intervention.
13. Schools will communicate with parents/guardians about academic progress and encourage parents/guardians to assist in identifying concerns.

## **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.
  1. The school district shall not deny due process of equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion or expulsion.
  2. 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 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. Suspension Procedures

1. "Suspension" means an action taken by the school administration 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 or designee with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with disability.
2. If a student's total days of removal from school exceeds 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(s)/guardian(s) before subsequently removing the student from school and, with the permission of the parent(s)/guardian(s), arrange for a mental health screening for the student at the parent(s) or guardian's expense. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent(s)/guardian(s) should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each suspension action shall 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/guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent/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 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 that 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 towards 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 (6<sup>th</sup>) consecutive day of suspension or the tenth (10<sup>th</sup>) cumulative day of suspension has elapsed. School officials may unilaterally place a student with disabilities in an appropriate interim alternative educational setting for up to 45 days if the student brings a weapon to school or a school function; or knowingly possesses, uses, or sells illegal drugs or controlled substances at school or a school function; or inflicts substantial bodily harm.

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, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil 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 a suspension has been assigned and upon further consideration, school administrators may choose to reduce the length of the suspension or assign alternative consequences.
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 Pupil Fair Dismissal Act, Minn. Stat. §§121A.40 through 121A.56, shall be personally served upon the student at or before the time of suspension is to take effect, and upon the student's parent(s)/guardian(s) by mail within forty-eight (48) hours of the conference.
9. The school administration shall make reasonable efforts to notify the student's parent(s)/guardian(s) 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(s)/guardian(s) 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 school board's decision in an expulsion or exclusion proceeding, provided that an alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to 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 Pupil Fair Dismissal Act, Minn. Stat. §§121A.40 through 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(s)/guardian(s).
5. The student and parent(s)/guardian(s) 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(s)/guardian(s) 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 the hearing; be accompanied by a copy of The Pupil Fair Dismissal Act, Minn. Stat. §§121A.40 through 121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and informing the student and parent(s)/guardian(s) 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(s)/guardian(s) that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department 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(s)/guardian(s).

7. All hearings shall be held at a time and place reasonably convenient to the student, Parent(s)/guardian(s) and shall be closed, unless the student, parent(s)/guardian(s) 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(s)/guardian(s) 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 proceedings.
10. If the student designates a representative other than the Parent(s)/guardian(s), the representative must have a written authorization from the student and the parent(s)/ or guardian(s) 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(s)/guardian(s), 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(s)/guardian(s), 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(s)/guardian(s), 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 will be made to the school district and served upon the parties within two (2) days after closing 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(s)/guardian(s) by mail of the student's right to attend and to be reinstated in the school district.
- E. Disabled Students; Special Considerations for Expulsion and/or Alternative Placement

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 Section 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 or Section 504 team and the child's parent(s)/guardian(s) 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 or Section 504 plan. 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 or Section 504 plan 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.

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

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student’s behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parent/guardian 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 parent(s)/guardian(s) 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 officials may provide additional notification as deemed appropriate.

#### **XII. STUDENT DISCIPLINE RECORDS**

It is the policy of the school district 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.

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

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. 124D.03) or Enrollment in Nonresident District (Minn. Stat. 124D.08) at the end of the school year if the student meets the definition of a habitual truant, the student has been provide appropriate services for truancy (Minn. State Ch. 260A), and the student’s case has

been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Option Program if the student is absent without lawful excuse for one or more periods of fifteen (15) school days and has not lawfully withdrawn from school.

## **XV. DISTRIBUTION OF POLICY**

The school district will notify students and parent(s)/guardian(s) 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 parent(s)/guardian(s) at the commencement of each school year and to all new students and parent(s)/guardian(s) upon enrollment. This policy will also be available upon request in each principal's office.

## **XI. REVIEW OF POLICY**

The principal and representatives of parent(s)/guardian(s), 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 will be submitted to the superintendent for consideration by the school board, which shall conduct an annual review of this policy.

**Legal Reference:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota's Students)  
Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 121A.26 (School Preassessment Teams)  
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)  
Minn. Stat. §§121A.40 to 121A.56 (The Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)  
Minn. Stat. §§ 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. §§ 121A.60 to 121A.61 (Removal From Class)  
Minn. Stat. § 123A.05 (Area Learning Center Organization)  
Minn. Stat. §§ 124D.03 (Enrollment Options Program)  
Minn. Stat. §§ 124D.08 (Enrollment in Nonresident District)  
Minn. Stat. Ch. 125A (Student With Disabilities)  
Minn. Stat. Ch. 260A (Truancy)  
Minn. Stat. Ch. 260C (Child Protection)  
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)  
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

**Cross Reference:** WBLASB Policy 413 (Harassment and Violence)  
WBLASB Policy 501 (School Weapons)  
WBLASB Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)

WBLASB Policy 503 (Student Attendance)  
WBLASB Policy 505 (Distribution of Nonschool-Sponsored Materials on  
School Premises by Students and Employees)  
WBLASB Policy 514 (Bullying Prohibition Policy)  
WBLASB Policy 524 (Internet Acceptable Use and Safety Policy)  
WBLASB Policy 525 (Violence Prevention)  
WBLASB Policy 526 (Hazing Prohibition)  
WBLASB Policy 527 (Student Use and Parking of Motor Vehicles;  
Patrols, Inspections, and Searches)  
WBLASB Policy 610 (Field Trips)  
WBLASB Policy 709 (Student Transportation Safety Policy)