

PROCEDURE 506 – STUDENT DISCIPLINE

I STUDENT BEHAVIOR SUBJECT TO DISCIPLINE

These examples are not intended to be an exclusive list. Any student who engages in any of these activities or 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, will be disciplined in accordance with school district policies and procedures.

A. Truancy and Unauthorized Absences

1. Truancy is defined as absence from school or class without the approval of building administration.
2. Students will be in attendance as required by current State Statutes, State rules relating to education, school district policy, and building regulations. The authority to decide whether an absence is excused or unexcused rests with the Principal or Principal's designee. Students returning to school following an absence, whether excused or unexcused, will be expected to complete all missed assignments according to building regulations.

B. Violations Against Property, including vandalism, theft, arson, breaking and entering/burglary and robbery/extortion

1. Vandalism is defined as damage to or destruction of school property or property of others.
2. Theft is defined as the act of intentionally and without claim of right, taking, using, transferring, concealing, or retaining possession of property of another without consent and with intent to deprive the owner of the property or not making reasonable effort to find the owner.
3. Arson is defined as intentionally destroying or damaging, by means of fire or explosives, any personal or school property.
4. Breaking and entering/burglary is defined as entering a building without consent and committing a crime or intending to commit a crime.
5. Robbery/extortion is defined as taking personal property from another or in the presence of another by use of threat or force.

C. Fighting or Assault Against a Person or Persons

1. Fighting and physical assault are defined as acts which intentionally inflict, threaten to inflict, or attempt to inflict bodily harm upon another person or inflicting bodily harm upon another even though accidental or a result of poor judgment.
2. Verbal assault is defined as abusive, threatening, profane, intimidating, degrading, discriminatory or obscene oral language, by a person or persons toward another, or which encourages a person to assault another person. Verbal assault includes conduct which degrades a person or persons because of gender, sexual orientation or gender identity or expression, physical or mental abilities, race, religion, ethnic background, or other protected classification.
3. Nonverbal assault is defined as abusive, threatening, profane, intimidating, degrading, discriminatory or obscene gestures or written language by a person or persons toward another or which encourages a person to assault another person. Nonverbal assault includes conduct which degrades a person or persons because of gender, sexual orientation or gender identity or expression, physical or mental abilities, race, religion, ethnic background or other protected classification.

D. Sexual Harassment and Sexual Violence

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other physical or verbal conduct or communication of a sexual nature.
2. Sexual violence is a physical act of aggression or assault upon another person that includes a sexual act or sexual purpose or other illegal or inappropriate sexual conduct.
3. The prohibition against sexual harassment and sexual violence is also described in Policy 413 – Prohibition Against Discrimination, Harassment and Violence. Violation of that policy is also a violation of this Policy 506 – Student Discipline.

E. Religious and Racial Harassment and Violence

1. Religious/racial harassment consists of physical or verbal conduct or communication which is related to an individual's religion/race when the conduct:
 - a Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 - b Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - c Otherwise adversely affects an individual's employment or academic opportunities.
2. Religious/racial violence is a physical act of aggression or assault upon another person because of, or in a manner reasonably related to, religion/race.
3. The prohibition against religious and racial harassment and violence is also described in Policy 413 – Prohibition Against Discrimination, Harassment and Violence. Violation of that policy is also a violation of this Policy 506 - Student Discipline.

F. Other Harassment/Violence

All other forms of harassment/violence are prohibited, including, but not limited to, any form of conduct which is inappropriate, abusive, threatening, or demeaning based upon a person's race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, sexual orientation or gender identity/expression.

G. Hazing

1. Hazing means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose.
2. The prohibition against hazing is also described in Policy 514 – Bullying & Hazing Prohibition. Violation of that policy is also a violation of this Policy 506 - Student Discipline.

H. Threats and/or Disruptions to School Operations

1. Threats are defined as acts that interrupt normal school operations or school activities, including but not limited to the reporting of dangerous or hazardous situations that do not exist, such as false fire alarms, false all calls, bomb threats, or instigating the same.
2. Disruptions are acts that interrupt the peace and good order of the school or school-sponsored activities, or disrupt the educational process. Disruptions include use of electronic communication devices, and organizing or participating in walk-outs, sit-ins or cafeteria disruptions or acts which are dangerous or detrimental to the student, other students, school district personnel or

surrounding persons, or which violate the rights of others or damage or endanger the property of the school or which otherwise interfere with the mission or operations of the school district or the safety or welfare of students or employees.

I. Trespassing

Trespassing is defined as unauthorized presence in or on a building, property, or equipment owned or leased by the school district.

J. Weapons

1. The school district prohibits real and look-alike weapons, including but not limited to:

- a All firearms, whether loaded or not
- b Other guns of all types, including pellet or B-B guns, air guns or stun guns
- c Knives, including switch blades or automatically opening knives or other blades
- d Explosives, including ammunition, bullets or other projectiles designed to be used in or as a weapon and fireworks or any substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation
- e Flammable liquids or combustibles or any compound or mixture, the primary or common purpose of which is to function as an explosive
- f Clubs, metal knuckles, numchucks, throwing stars, mace and other propellants, poisons, chains or arrows
- g Any object or device or instrument designed as a weapon, modified to serve as a weapon, or through its use is capable of threatening or producing bodily harm, or which may be used to inflict self-injury

2. Students are forbidden to possess, store, transmit, or use any instrument that is considered a weapon or a look-alike weapon in school, on school grounds, at school activities, trips or functions, at bus stops, on school buses or school vehicles or school contracted vehicles, or any other vehicles approved for school district purposes, or the area of entrance to or departure from school premises, property or events at all locations where school-related functions are conducted, and anywhere students are under the jurisdiction of the school district unless such possession or use is an approved part of a school sponsored activity.

3. Further, the school district prohibits possession, utilization and distribution of weapons or harmful or nuisance articles.

- a Possession is defined as having control of or storing objects which may threaten and/or harm person(s) or property.
- b Utilization is defined as the use of objects which threaten and/or harm person(s) or property.
- c Distribution is defined as transmitting objects which may threaten and/or harm person(s) or property.

4. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be subject to expulsion for a period of one year. The school board may modify this requirement on a case-by-case basis.

5. Exception: students may possess weapons at school sponsored weapons safety or marksmanship activities.

K. Ignition Device

No student shall use or possess an ignition device, including a butane or disposable lighter or matches, inside of an educational building and under circumstances where

there is a risk of fire, except where the device is used in a manner authorized by the school.

L. Tobacco Use/Electronic Cigarettes

No student, regardless of age, may possess, use, sell, or distribute tobacco, electronic cigarettes or tobacco/electronic cigarette paraphernalia in any form or at any time at any school-related activities, trips or functions, at bus stops, on school buses, in school buildings, property, school vehicles or school contracted vehicles, or other vehicles approved for school district purposes, or on school grounds or the area of entrance or departure from school premises, property or events.

M. Chemical Use

No student, regardless of age, may possess, use, be under the influence of, distribute, sell, and/or exchange unauthorized or illegal chemical substances including, but not limited to, narcotics, drugs or other controlled substances, alcohol, or other intoxicating substances or mood-altering chemicals, drug paraphernalia or look-alike substances, or other articles that are illegal or harmful to persons or property. Medication prescribed by a physician must be handled in accordance with Policy 516 – Student Medication. See also Policy 541 - Chemical Use and Abuse and Policy 516 – Student Medication.

N. Network-Internet Resources/Theft, damage or destruction to 1-to-1 District Issued Device

Appropriate use of network/Internet resources is described in Policy 524 – Internet Acceptable Use Policy. Violation of that policy is also a violation of this Policy 506 - Student Discipline. Theft or willful or reckless damage/destruction of a school issued 1-to-1 device may result in disciplinary action in addition to repair costs/restitution.

O. Transportation and Traffic Rules

1. Violation of bus or transportation rules or the school district's transportation safety policy. See also Policy 709 – Student Transportation Safety Policy.
2. 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.

P. Inappropriate Materials

Possession or distribution of slanderous, libelous or pornographic materials.

Q. Student Attire

Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational environment or is otherwise in violation of Policy 504 – Student Dress and Appearance.

R. Falsification or Alteration of Documents

1. Falsification of any records, documents, notes or signatures.
2. 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.

S. Cheating

Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of smart phones or other technology to accomplish this end.

T. Indecent Exposure

Indecent exposure is the purposeful and lewd exposure of one's own body or private parts, procuring another to expose private parts, other open lewdness or public indecency.

U. Local, State or Federal Law

Students who violate any local, state or federal law may be subjected to disciplinary action.

II EXAMPLES OF POSSIBLE DISCIPLINARY ACTION

The following are examples of possible disciplinary action and are not intended to be an exclusive list.

A. Disciplinary Action

Disciplinary action may include but is not limited to one or more of the following:

1. Meeting with the teacher, counselor, Principal, or Principal's designee
2. Detention
3. Loss or restriction of school privileges, including suspension from extracurricular activities
4. Parental conference with school staff, possibly resulting in a corrective action plan
5. Modified school programs
6. Referral to School Support Services
7. Referral to the legal system
8. Referral to a law enforcement agency or other appropriate authorities
9. Restitution/repair or replacement costs for theft or damaged school property
10. Removal from class
11. Dismissal for one day or less
12. Suspension
13. Alternatives to suspension including, but not limited to, community service and Saturday school
14. Expulsion or exclusion
15. Other disciplinary action as deemed appropriate by the school district.

B. Removal from Class

1. Removal from class means any actions taken by a teacher, principal or other school district employee to prohibit a student from attending a class or activity period. In elementary grades, a "class period" or "activity period" means a period not to exceed one (1) hour regardless of the subject of instruction. In secondary grades, a "class period" or "activity period" means an established time unit of instruction for a given course of study.

2. Grounds for Removal

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

- a Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
- b Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
- c Willful violation of any school rules, regulations, policies or procedures, including the behavioral expectations set forth in this procedure; or
- d Other conduct which, in the discretion of the teacher or administration, requires removal of the student from class.

3. Procedures for Removal from Class
 - a A student must be removed from class immediately if the student engages in assault or violent behavior. In such instances, the removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.
 - b Other than in a circumstance described in paragraph B 3 a., a student will be removed from class only upon agreement of the appropriate teacher and Principal or Principal's designee after an informal administrative conference with the pupil. The decision to remove a student will ultimately be the responsibility of the Principal or Principal's designee.
 - c The length of time of the removal will be at the discretion of the Principal or the Principal's designee after consultation with the teacher, but will not exceed five (5) class or activity periods per incident.
 - d Removal from class may be imposed without an informal administrative conference when a student engages in assault or violent behavior, or is causing and/or appears to be causing a serious disruption or appears to be creating an immediate and substantial danger to himself/herself or to person(s) or property.
 - e In removing a student from class, a school district employee may use reasonable force, if necessary, in compliance with applicable laws.
4. Responsibility for and Custody of a Student Removed From Class

Students who are removed from class will be supervised by a school district staff member.
5. Return to Class after Removal

Students will return to class upon completion of the terms of the removal established at the informal administrative conference referenced in section II.B.3b.
6. Procedures for Notification
 - a The principal or principal's designee will determine the need for and method of notification to parent or guardian.
 - b After the student has been removed from class more than ten (10) times in one school year, the principal or designee will notify the student's parent and guardian and request that the parent or guardian meet with the site administrators to discuss the problem that is causing the student to be removed from class.
7. Students on an Individual Education Program (IEP)

The principal or designee, in consultation with the Student's special education case manager, will determine whether the student's removal from class requires a meeting to review the adequacy of the student's current Individual Education Program (IEP) or whether there is a need for further assessment. If it is determined such a meeting is necessary, the student's case manager will schedule and provide appropriate notices of such meeting.
8. Early Intervention

The Principal or designee will review the following:

 - a Any procedures or services appropriate for encouraging early involvement of parents or guardians to improve the student's behavior;
 - b Any procedures or services determined appropriate for encouraging early detection of behavioral problems;
 - c Whether the student may need a referral and consideration of eligibility for special education services in order to benefit from his or her education;
 - d The appropriateness of referring the student to the school district chemical abuse pre-assessment team;

- e The appropriateness of addressing the student’s behavior through a crisis intervention plan; and
 - f The appropriateness of any other interventions to improve the student’s conduct and behavior.
- C. Dismissal for One Day or Less
Dismissal for one day or less is defined as removing the student from the school premises, ordinarily sending the student home, for the remainder of the day on which the infraction occurs, with communication to appropriate parties as determined by building-level procedures.
- D. Suspension, Exclusion and Expulsion
Suspension, exclusion and expulsion will be imposed in accordance with The Pupil Fair Dismissal Act
- E. Notification of Violation
1. Parent/guardian will be notified of violation(s) and resulting disciplinary action(s) according to building regulations, except as provided otherwise by The Pupil Fair Dismissal Act.
 2. Students will be notified of violations and resulting disciplinary actions verbally, except as provided otherwise by The Pupil Fair Dismissal Act.

III PROVISIONS FOR STUDENTS ON AN INDIVIDUAL EDUCATION PROGRAM (IEP) Students on an Individual Education Program(IEP)

- A. When a student with a disability has been suspended for more than five consecutive school days or ten cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's individualized education program team, including at least one of the child's teachers, will 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 individualized education program. This meeting must occur as soon as possible, but no more than ten days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.
- B. Before initiating an expulsion or exclusion, the district, relevant members of the student's individualized education program team, and the student's parent will meet to determine whether the student's behavior was caused by or had a direct and substantial relationship to the student's disability and whether the student's conduct was a direct result of a failure to implement the student's individualized education program. Such a meeting must be held within ten (10) school days of the school district’s decision to remove the student from his or her current educational placement and must be held before commencing an expulsion or exclusion of the student.
1. If the behavior is not a manifestation of the student’s disability, the school district may proceed with discipline – up to and including expulsion and/or exclusion – as if the student did not have a disability, unless the student’s educational program provides otherwise.

2. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team will conduct a functional behavior assessment (FBA) and implement a behavioral intervention plan for such student provided that the school district had not conducted an FBA prior to the manifestation determination. Where an FBA has previously been completed and a behavioral intervention plan has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.
- C. 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, if the student is an enrolled student.

IV OPEN ENROLLED STUDENTS

- A. Application of Policy
Open enrolled students may be disciplined up to and including expulsion/exclusion as provided in this Policy.
- B. Termination of Enrollment Options
The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program or Enrollment in Nonresident District at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy, 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 sixteen (16) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

V NOTIFICATION OF POLICY

This policy will be posted on the school district's website. Nothing in this policy is intended to conflict with The Pupil Fair Dismissal Act.

VI BUILDING PROCEDURES

The Assistant Superintendents of Leadership, Teaching and Learning is authorized by the School Board to require each building to develop procedures consistent with this Policy 506 – Student Discipline. Building procedures will include but not be limited to the following:

- A. Procedures determined appropriate for encouraging early involvement of parent/guardian in attempts to improve a pupil's behavior.
- B. Procedures determined appropriate for encouraging early detection of behavioral problems, including communication among teachers, the parent or guardian, and building administration.
- C. Procedures for notifying appropriate teachers of disciplinary actions involving their students.
- D. Procedures determined appropriate for referral to special education services.

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Revised: 12/6/88
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Policy 5212 Adopted: 9/18/84

Legal References:

20 U.S.C. §§ 1400-1487 – IDEA
29 U.S.C. § 794 *et. seq.* – Rehabilitation Act of 1973, § 504
34 C.F.R. § 300.530(e) – 300.536 – Discipline Procedures
M.S. 121A.40-121A.56 – Pupil Fair Dismissal Act
M.S. 121A.575 – Alternatives to Pupil Suspension
M.S. 121A.582 – Student Discipline; Reasonable Force
M.S. 121A.60-121A.61 – Discipline and Removal of Students from Class
M.S. 122A.42 – General Control of Students
M.S. Ch. 125A – Students with Disabilities

Cross References:

Policy 502 – Search of Student Lockers, Desks, Personal Possessions and Student’s Person
Policy 503 – Attendance and Absences
Policy 504 – Student Dress and Appearance
Policy 514 – Bullying Prohibition
Policy 516 – Student Medication
Policy 524 – Internet Acceptable Use Policy
Policy 526 – Hazing Prohibition
Policy 541 – Chemical Use and Abuse
Policy 542 – Extended Educational Trips
Policy 548 – Harassment and Violence
Policy 550 – Suspension
Policy 551 – Exclusion and Expulsion
Policy 709 – Student Transportation Safety
Policy 726 – Student Conduct on Buses

School Board
INDEPENDENT SCHOOL DISTRICT 279
Maple Grove, Minnesota