

Adopted: March 8, 2004
Amended: January 1, 2016

508 STUDENT DISCIPLINE

I. Policy

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. Statement of Policy

- A. The School Board of Kato Public Charter School recognizes that individual responsibility and mutual respect are essential components of the educational process. The school board further recognizes that a balance must be maintained between authority and self-discipline as the school nurtures the development and growth of the individual child from dependence on authority for determination of behavioral norms to the independence of the self-controlled individual.
- B. Appropriate student conduct is necessary to provide an atmosphere where students and teachers feel safe and to develop a climate in which learning takes place and high achievement is expected. Students must learn to respect themselves, other people, and property. They are increasingly challenged, as they mature, to make good decisions, solve problems, and be responsible for the consequences of their own choices. The school functions effectively because students are learning self-discipline based on a growing understanding of the relationship between rights and responsibilities.
- C. Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it is necessary to administer disciplinary measures. Measures to be employed and the manner in which they are administered will be consistent with the objectives of creating a positive learning situation and fostering self-discipline.
- D. It is the position of the school district that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is pursuant to and in accordance with the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 127.26 through 127.39, the provisions of which are incorporated herein by reference.
- E. In view of the foregoing and in accordance with Minn. Stat. § 127.41 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents and community members, has developed the following school discipline regulations and procedure which govern student conduct and apply to all students of Kato Public Charter School.

III. Areas of Responsibility

- A. The School Board: The school board, through the Director, holds all school personnel responsible for the maintenance of order within the school and supports all personnel acting within the framework of the district discipline policy.
- B. Director: The Director shall establish guidelines and directives to carry out school board this policy, holds all school personnel, students and parents responsible for conforming to the this policy, and supports all school personnel performing their duties within the framework of the discipline policy. The Director shall also establish procedures guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.
- C. The school staff under the leadership of the Director is given the responsibility and authority to formulate building rules and regulations necessary to enforce the district discipline policy. The Director shall provide a copy of the policy for all students, parents, guardians and employees and give direction and support to all school personnel performing their duties within the framework of the policy. School staff will consult with parents of students conducting themselves in a manner contrary to the policy. The policy also involves other members of the professional team in the disposition of behavior referrals and makes use of those agencies the staff feels are appropriate for assisting students and parents. A member of the school CPI team as a school employee, in exercising the person's 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 are responsible for providing a well-planned teaching/learning environment and have primary responsibility for student conduct with appropriate assistance from the building administration. All teachers enforce the rules and regulations in their assignments and in all other areas of the building. 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 are shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior are shall be as authorized and directed by the Director or his/her designees. A school employee or bus driver, in exercising the person's 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.
- F. Parents or Legal Guardians: Parents and guardians are 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 are held individually responsible for their behavior and for knowing and obeying the district discipline policy and complying with its provisions.

- H. Community Members: Members of the community are expected to contribute to the establishment of policies of an atmosphere and procedures in which rights and duties are effectively acknowledged and fulfilled.

IV. Students Rights

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

V. Student Responsibilities

All students of Kato Public Charter School have the responsibility:

- A. to behave and to know and obey all school rules, regulations, policies and procedures; for their behavior and for knowing and obeying all school rules, regulations, policies and procedures;
- B. to conduct themselves in an appropriate physical or verbal manner;
- C. to attend school daily, except when excused, and to be on time to all classes and other school functions;
- D. to pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- E. to make necessary arrangements for making up work when absent from school;
- F. to assist the school staff in running a safe school for all students enrolled;
- G. to be aware of all school rules, regulations, policies and procedures, including those in this policy, and to conduct themselves in accordance with them;
- H. to assume that until a rule is waived, altered, or repealed, it is in full effect;
- I. to be aware of and comply with federal, state and local laws;
- J. to be willing to volunteer information in disciplinary cases should they have knowledge relating to such cases and to cooperate with school staff should they have important knowledge relating to such cases as appropriate;
- K. to respect and maintain the school's property and the property of others;
- L. 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;
- M. to avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- N. to express ideas in a manner that will not offend or slander others; to conduct themselves in an appropriate physical or verbal manner;
- O. to recognize and respect the rights of others; and

- P. to treat every individual with dignity.

VI. School Board Rules for Code of Student Conduct

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

- A. 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.
- B. the use of profanity or obscene language, or the possession of obscene materials;
- C. gambling, including, but not limited to, playing a game of chance for high stakes;
- D. hazing;
- E. attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
- F. violent opposition to authority;
- G. using, possessing or distributing tobacco or tobacco
- H. paraphernalia;
- I. using, possessing, distributing or being under the influence of alcohol or other intoxicating substances or look-alike substances, except as prescribed by a physician;
- J. using, possessing, distributing or being under the influence of narcotics, drugs or other controlled substances, or look-alike substances, except as prescribed by a physician;
- K. using, possessing or distributing items or articles that are illegal or harmful to persons or property including; but not limited to, drug paraphernalia;
- L. using, possessing or distributing weapons, or look-alike weapons or other dangerous objects;
- M. violation of the School District Weapons Policy.
- N. possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;

- O. 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;
- P. 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;
- Q. using an ignition device, including a butane or disposable lighter or matches, inside 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.
- R. violation of any local, state or federal law as appropriate;
- S. acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
- T. possession of nuisance devices or objects which cause distractions including, but not limited to pagers, radios and phones;
- U. violation of school bus or transportation rules or the school bus safety policy;
- V. 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;
- W. violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
- X. possession or distribution of slanderous, libelous or pornographic materials;
- Y. student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
- Z. criminal activity;
- AA. falsification of any records, documents, notes or signatures;
- BB. 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;
- CC. scholastic dishonesty which includes, but is not limited to, cheating on a school assignment, plagiarism or collusion;
- DD. impertinent or disrespectful language toward teachers or other school district personnel;
- EE. sexual and/or racial abuse and/or harassment;

- FF. actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;
- GG. committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
- HH. 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;
- II. 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;
- JJ. physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
- KK. inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, ethnicity, national origin or sexual orientation;
- LL. violation of school rules, regulations, policies, or procedures;
- MM. other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to students or school district personnel 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.
- NN. violation of the school district Weapons Policy;
- OO. possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
- PP. 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;
- QQ. 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;
- RR. possession of nuisance devices or objects which cause distractions including, but not limited to, pagers, radios and phones;
- SS. other acts, as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to students or school district personnel 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, Director, counselor or other school district personnel, and verbal warning;
- B. parent contact;
- C. parent conference;
- D. loss of school privileges;
- E. in-school monitoring or revised class schedule;
- F. modified school programs;
- G. financial restitution;
- H. referral to police, or other law enforcement agencies, or other appropriate authorities;
- I. referral to in-school support services;
- J. referral to community resources or outside agency services;
- K. removal from class;
- L. in-school suspension;
- M. suspension from extracurricular activities;
- N. detention or restriction of privileges;
- O. assignment to alternative program;
- P. assignment to Area Learning Center;
- Q. transfer to another school;
- R. petition in County Court for juvenile delinquency adjudication;
- S. out-of-school suspension under the Pupil Fair Dismissal Act;
- T. preparation of an admission or re-admission plan;

- U. expulsion under the Pupil Fair Dismissal Act;
- V. exclusion under the Pupil Fair Dismissal Act; and/or
- W. 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. 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.
- B. "Removal from class" and "removal" mean any actions taken by a teacher, Director, 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.
- C. Grounds for removal from class include the following:
 - 1. Willful conduct which materially and substantially disrupts the rights of others to an education;
 - 2. 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;
 - 3. Willful conduct which endangers school district employees, the student or other students, or the property of the school;
 - 4. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school;
 - 5. Willful violation of any school rules, regulations, policies, or procedures, including those found under School Board Rules for Student Conduct; or
 - 6. Other conduct, which in the discretion of the teacher or administration, requires removal of the student from class.
- D. 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.

IX. Procedures for Removal of a Student From a Class

- A. At Kato Public Charter School, if a student is sent for removal, the teacher, Director or other school district employee will complete an incident report describing the student's behavior.
- B. The student will be sent to the school office and remain in the custody of the building administrator or his/her designee for the duration of the time prescribed.

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

- A. 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.

- B. 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.

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

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

XII Procedures for Notification

Parents and/or 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.

XIII Disabled Students; Special Provisions

- A. Procedures for consideration of whether there is a need for further assessment;
- B. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individual Education Plan (IEP) of a disabled student who is removed from class or disciplined; and
- C. Any procedures determined appropriate for referring students in need of special education services to those services.

XIV Procedure for detecting and Addressing Chemical Abuse Problems of Students While on School Premises

- A Establishment of a chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.26;
- B Establishment of a school and community advisory team to address chemical abuse problems in the district pursuant to Minn. Stat. § 121A.27; and
- C Establishment of teacher reports to the chemical abuse pre-assessment team pursuant to Minn. Stat § 121A.29.

XVI After-School Detention

- A. Directors, teachers, and other authorized school district personnel have the authority to detain students after school for disciplinary reasons according to rules established within a building.
- B. When a student is detained at school beyond the normal dismissal time, the teacher will give appropriate consideration to weather and other extenuating circumstances.
- C. The age and grade level of the student are to be considered in determining the length of time a student may be detained after school under the control of the teacher.

- D. Elementary school students may not be kept after school without first contacting the parents.
- E. Secondary school students have the responsibility to inform parents of a detention assignment.
- F. Saturday School detention is assigned only by an administrator, or designee, and parents will be notified.
- G. Transportation will be the responsibility of the parent for after-school detention students.
- H. Failure to serve the assigned detention will result in additional disciplinary action as appropriate.

XVII In-School Suspension

- A Students may be assigned to an in-school suspension in place of out-of-school suspension for disciplinary reasons, including violation of School Board Rules for Student Conduct.
- B In-school suspension provides a student with a structured alternative educational program.
- C Students assigned to in-school suspension will be required to examine and take measures to correct inappropriate conduct.
- D Students assigned to in-school suspension will be scheduled for the entire or partial school day for the number of days determined by the administrator handling the case.
- E Assignments will be obtained from the teachers to enable the student to keep up with his/her class work.
- F Parents will be notified either orally or in writing of any in-school suspension. (see section XII of this policy)

XVIII Dismissal

- A "Dismissal" means the denial of the educational program to any student, including exclusion, expulsion, and suspension. Dismissal does not include removal from class.
- B 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.
- C The school district shall not dismiss any student without attempting to provide alternative programs of education prior to dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property. Such programs may include special tutoring, modification of the curriculum for the student, placement in a special class, or assistance from other agencies.
- D Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion and/or exclusion from a District 4066 school. A student may be dismissed on the following grounds:

- 1 Willful violation of any reasonable school board regulation, including those found under School Board Rules for Student Conduct;
- 2 Willful conduct which materially and substantial disrupts the rights of others to an education and 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;
- 3 Willful conduct which endangers the student or other students or the property of the school.

XIX. Suspension Procedures

- A. "Suspension" means an action taken by the school administration prohibiting a student from attending school for a period of no more than fifteen (15) school days. If a suspension is longer than five (5) school days, the suspending administrator shall provide the Director with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less.
- B. Each suspension action shall include a re-admission plan. The plan shall include, where appropriate, a provision for alternative services to be implemented upon re-admission. Suspension may not be consecutively imposed 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 surrounding persons or property.
- C. In no event shall suspension exceed fifteen (15) school days, provided that an alternative educational program shall be implemented to the extent that suspension exceeds five (5) days.
- D. No suspension from school shall be imposed without an informal administrative conference with the student, except where it appears the student will create an immediate and substantial danger to self or to surrounding persons or property.
- E. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a re-admission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§127.26 through 127.39, shall be personally served upon the student at or before the time suspension is to take effect, and upon the student's parent or guardian by certified mail within 48 hours of the conference.
- F. In the event a student is suspended without an informal administrative conference on the grounds that the student creates an immediate and substantial danger to surrounding persons or property, the written notice shall be served either personally or by mail upon the student and the student's parent or guardian within 48 hours of the suspension. Service by mail shall be complete upon mailing.
- G. 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 program is implemented to the extent that suspension exceeds five (5) days.

XX. Expulsion and Exclusion Procedures

- A. "Expulsion" means an action taken by the school board to prohibit an enrolled student from further attendance for a period that shall not extend beyond an amount of time equal to one school year or 12 months from the date a pupil is expelled. The authority to expel rests with the school board.
- B. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that will not extend beyond the school year. The authority to exclude rests with the school board.
- C. 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. §§ 127.26 through 127.39.
- D. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and the student's parent or guardian.
- E. The student and his/her 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/her parent or guardian by certified mail, return receipt requested, and shall contain: a complete statement of the facts; a list of the witnesses and a description of their testimony; the date, time and place of the hearing; a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 127.26 through 127.39; a description of alternative educational programs accorded to the student prior to commencement of the expulsion or exclusion proceedings; and inclusion of a notice informing the student and his/her parent or guardian of their right to:
 - 1. have legal counsel at the hearing;
 - 2. examine the student's records before the hearing;
 - 3. present evidence; and
 - 4. confront and cross-examine witnesses.
- F. 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.
- G. 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.
- H. The proceedings of the hearing shall be recorded and preserved at the expense of the school district, pending ultimate disposition of the action.
- I. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. If the student is financially unable to retain legal counsel, the school district shall advise the student's parent or guardian of available legal assistance. The school board may appoint an attorney to represent the school district in any proceedings.

- J. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to the student's records and allowing the representative to obtain copies thereof.
- K. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths. The student cannot be compelled to testify in the dismissal proceedings.
- L. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including records upon which the proposed dismissal action may be based.
- M. 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.
- N. The student, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
- O. Following the hearing, 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 within two (2) days after closing of the hearing.
- P. The decision by the school board shall be based upon the findings and recommendation of the hearing officer and shall be made at a special meeting within five (5) days after receipt of the findings and recommendation. The school board's decision shall be in writing and the controlling facts found upon which the decision is made shall be stated in sufficient detail to apprise the parties and the Commissioner of Education of the basis and reason for the decision.
- Q. Any expulsion or exclusion decision made by the school board may be appealed to the Commissioner of Education pursuant to the Pupil Fair Dismissal Act, Minn. Stat. § 127.32.
- R. The school district shall report any expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
- S. The school district shall report each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner of Education. This report shall include a statement of alternative programs of education accorded to the student prior to the commencement of the expulsion or exclusion proceedings.
- T. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, the student and his/her parent or guardian shall be informed by certified mail, return receipt requested, of the student's right to attend and to be reinstated in the school district.

XXI. Chemical Use/Abuse Policy

- A. Possession and/or Use of Tobacco The use or possession of tobacco in any form 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).
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 Minnesota Fair Dismissal Act of 1974. Parents are to be notified no later than the following school day of a violation except when a Director shall determine an exception is justified.
- B. Use of Mood-Altering Chemicals by Participants in Minnesota State High School League Sponsored Athletic Activities During the school year, regardless of the quantity, a student shall not use a beverage containing alcohol; use tobacco; or use or consume, have in possession, buy, sell or give away any other controlled substance. It is not a violation for a student to be in possession of a legally defined drug specifically prescribed for the student's own use by the student's doctor. This rule applies to the entire school year and any portion of an activity season which occurs prior to the start of the school year or after the close of the school year. The consequences set forth in this section are in addition to consequences which may be applicable under other sections of this code.
1. First Violation - after confirmation of the first violation, the student shall lose eligibility for the next two (2) consecutive interscholastic events or two (2) weeks of a season in which the student is a participant, whichever is greater. No exception is permitted for a student who becomes a participant in a treatment program.
 2. Second Violation - After confirmation of the second violation, the student shall lose eligibility for the next six (6) consecutive interscholastic events in which the student is a participant. 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 third violation or subsequent violations, the student shall lose eligibility for the next twelve (12) consecutive interscholastic events in which the student is a participant.
 - b. If after the third violation or subsequent violations, the student, on the student's own volition, becomes a participant in a chemical dependency program or treatment program, 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. Penalties shall be accumulative beginning with and throughout the student's participation on a varsity, junior varsity, B squad or sophomore team or activity. A student shall be disqualified from all interscholastic athletics 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.

- C. Use, Possession, or Sale of Alcohol, Drugs and Paraphernalia
1. The use, possession, or transfer of alcohol, tobacco, 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, tobacco, non-prescribed drugs, chemicals or illegal substances. It is unlawful for any person knowingly or intentionally to use, possess, or deliver drug paraphernalia. This policy includes students who have reached the legal age of majority.
 2. When a student is in violation of the above rules at school, the following intervention procedure shall be followed:
 - a. A staff member informs the student of the observed violation and/or obtains the student's name and accompanies the student to the office. 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.
 - b. A staff member reports the details of the incident immediately to an administrator.
 3. If the administrator is in agreement with the reporting staff members, the following actions will occur:
 - a. The administrator will follow due process.
 - b. The administrator will report the violation to the Mankato Police by calling 911.
 - c. The administrator will notify parents, review school board policy with parents, and inform parents that the police have been contacted.
 - d. The student will be interviewed by the police and an administrator. In most cases, the student will be taken to the police station.
 4. First Violation: The student will be suspended for three to five school days. Prior to re-admission, a parent conference is required. The student must confer with the Chemical Health Director. If warranted, an assessment with a release of information and/or an intervention group will be required.
 5. Second Violation: The student will be suspended from school for five (5) school days. Prior to re-admission, a parent conference is required. An evaluation with a release of information to a Chemical Health professional will be required. The student must follow evaluation recommendations or be subject to further disciplinary action.
 6. Third Violation: The student will be suspended for up to fifteen school days. Prior conditions for re-admission and evaluation are applicable. The administration may make a recommendation to the Director that the student be expelled from school for the remainder of the school year. Should the expulsion process proceed, the student will be provided with homebound or alternative instruction.
- D. The administrator will notify the building Chemical Health Director to facilitate appropriate school follow-up.
- E. Additional Actions:
1. School-based:
 - a. Refer the student to the pre-assessment team.
 - b. Refer the student to a school-based support group.
 - c. Develop a behavior change contract with the student.
 - d. Under the guidelines of the Pupil Fair Dismissal Act, the student may be denied public education until a diagnostic evaluation takes place.

- e. After administrative consideration, the student may be further denied public education if the recommendation of the professional is disregarded. The Director/designee will report the case to Child Prevention Services.
2. Community based:
 - a. Petition Juvenile Court
 - b. Advocate professional counseling services or chemical evaluation if documentation suggests behavior may be related to chemical use. If an evaluation is required, release of information to the Chemical Health Director will be requested.
 - c. Offer education resources about chemical issues and enhancing parenting skills.
 - d. Make resources available to students who have family members with chemical problems.

XXII. 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, Minn. Stat. §§ 127.26 through 127.39, or other applicable law. The teacher, Director, or other school district officials may provide additional notification as deemed appropriate.

XXIII. Reasonable Restraint

Reasonable force may be used upon or toward a student, without the student's consent, when the following circumstance exists or the actor reasonably believes them to exist:

1. when used by a teacher or other lawful custodian or caretaker of a student, in the exercise of lawful authority, to restrain or correct the student; or
2. when used by a school employee or school bus driver, in the exercise of lawful authority, to restrain a student, or to prevent bodily harm or death to another; or when necessary to restrain the student from self-injury or injury to any other person or property. Legal Reference: Minn. Stat. §§ 609.06; 609.379.

XXIV. 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 school district policies and federal and state law, including the Minnesota Data Privacy Act, Minn. Stat. Chapter 13.

XXV. Disabled Students

- A. Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy provided that their violations are not a direct result of their disabling condition unless an educational program has specified a necessary modification.
- B. When a disabled student is removed from class, the building's child study committee will review the educational plan and current assessment data. The committee will determine if the placement remains appropriate and recommend, if necessary, appropriate modifications to the IEP or 504 process. The committee may also make exceptions to the discipline policy as necessary based on the disabling conditions of the student involved. Such exceptions should be reflected in the student's educational plan.

- C. For students with IEP's, a team meeting is required within five (5) school days of a suspension or prior to an expulsion or exclusion. If a student is placed on in-school suspension status according to district policy established for all students, for all or part of the day for two (2) or more consecutive days or three (3) times in one (1) month, a team meeting must be held. The team shall
1. determine whether the misconduct is related to the disabling condition;
 2. review any assessments and determine the need for further assessment; and
 3. review the adequacy of the current IEP and amend the goals and objectives or develop an alternative IEP program as appropriate. If it is determined that a student's misconduct is related to the student's disabling condition, the student may not be expelled or excluded, and an alternative program will be sought.
- D. When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disabling condition, the school district shall provide special education and related services after a period of suspension, if suspension is imposed. The school district shall initiate a review of the student's individual education plan within ten (10) days of the commencement of an expulsion, exclusion or a suspension of ten (10) days or more. Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy providing that their misbehavior is not a manifestation of the student's disability, unless an educational program has specified a necessary modification. When a disabled student is removed from class, the building's special needs committee will review the educational plan and current assessment data. The committee will determine if the placement was appropriate and recommend, if necessary, other methods of dealing with the behavior. The committee may also make exceptions as necessary and appropriate based on the disabling conditions of the student involved. Such exceptions may be reflected in the student's educational plan. For students with IEPs, a team meeting is required within five (5) school days of a suspension or prior to an expulsion or exclusion. If a student is placed on in-school suspension status according to school district policy established for all students, for all or part of the day for two (2) or more consecutive days or three (3) times in one (1) month, a team meeting must be held. A student disabled under section 504 but not under IDEA shall be entitled to such a meeting only pending expulsion, exclusion or suspension over ten (10) days. The team shall
1. determine whether the misconduct is related to the disability;
 2. review any assessments and determine the need for further assessment; and
 3. review the adequacy of the current IEP and amend the goals and objectives or develop an alternative IEP program as appropriate. If it is determined that a student's misconduct is related to the student's disability, the student may not be expelled or excluded, and an alternative program shall be sought.
- E. When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's ability, the school district shall continue to provide special education and related services after a period of suspension, if suspension is imposed. The school district shall initiate a review of the student's IEP and conduct a review of the relationship between the disability and the behavior subject to disciplinary action and determine the appropriateness of the student's education plan before commencing an expulsion or exclusion.

F. Open Enrollment 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.07 or Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minnesota Statutes Chapter 260A), and the student's case has been referred to juvenile court. 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.

XIX. Dissemination 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. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy will also be available upon request in each Director's office.

XXVI. Review of Policy

The Director of the school, and representatives of parents, students and staff in a 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 Director for consideration by the school board, which shall conduct an annual review of this policy. Legal Reference: Minn. Stat. § 127.42

(Legal and Cross References are constantly changing; these items shall remain under review)

Legal Reference:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 125A (Student With Disabilities) and IDEA 1997
Minn. Stat. §§ 127.26 to 127.39 121A.40 to 121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. §§ 121A.582 (Reasonable Force)
Minn. Stat. §§ 127.40 to 127.42 121A.60 to 121A.61 (Removal From Class)
Minn. Stat. §§ 124D.03 (Enrollment Options Program)
Minn. Stat. §§ 124D.07 and 124D.08 (Enrollment in Nonresident District)
Minn. Stat. Ch. 260A (Truancy)
Goals 2000: Educate America Act, Pub.L.No. 103-227 (1994)
29 U.S.C. § 794 et seq. (Section 504 of the Rehabilitation Act of 1973)

Cross Reference:

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 504 (Student Dress and Appearance)
WBLASB Policy 505 (Distribution of Non-school-Sponsored Materials on School Premises by Students and Employees)
WBLASB Policy 507 (Corporal Punishment)
MSBA Service Manual, Chapter, 13, School Law Bulletin "S" (School Discipline Policies)