

Wheaton Area Schools

**Rights
And
Responsibilities
Handbook**

A guideline for students, parents and staff of the Wheaton Area Schools

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TABLE OF CONTENTS

Student Rights

<i>Prohibition of Harassment, Violence and Hazing</i>	2
<i>Prohibition of Bullying and Intimidation</i>	3
<i>Anti-Discrimination</i>	3
<i>Special Education Services for Students</i>	4
<i>Section 504 Process for Students</i>	4
<i>Suspected Maltreatment of Minors</i>	4
<i>Student Interviews with Social Services and Law Enforcement Officials</i>	5
<i>Safety and Security</i>	6
<i>Protection and Privacy of Student Records</i>	7

Student Responsibilities

<i>Student Attendance</i>	9
<i>Student Behavior and Discipline</i>	10
<i>Student Behavior Expectations and Consequences for Misbehavior</i>	11
<i>Misbehaviors and Consequences</i>	14
<i>Student Transportation: Behavior Expectations</i>	25
<i>Special Education Students: Consequences for Misbehavior</i>	26
<i>Search and Seizure</i>	27
<i>Process for Student Dismissal: Removal from Class, Suspension, Exclusion and Expulsion</i>	28

About This Handbook

This handbook includes an overview of District 803 policies, regulations and procedures about student rights and responsibilities. Those documents are periodically updated in response to changes in the law and other circumstances. If you have questions or would like more information about a specific issue, contact your school principal or your child's teacher.

Student Rights

The Board of Education recognizes that students are entitled to the civil liberties guaranteed all citizens. One of the primary goals of public education is to prepare students to successfully complete the transition from school into the general society in which they will live and to accept the responsibility commensurate with the rights and privileges that they have and those they will assume.

The district shall provide an environment in which students may exercise the rights and privileges of the society in which they live, with its proportional amount of responsibility.

Students have the right to freely express ideas, verbally or in writing, within their school program. Responsible criticism and reasonable dissent are basic to the educational process. However, discriminating, degrading, false statements, disruptive activities, threats, the use of obscenities, profanity or ridicule, and advocating violation of the law or school rules and regulations are unacceptable means of expression.

Students have the right to be safe and free from threatening situations on school property, at school activities and in district vehicles.

Prohibition of Harassment, Violence and Hazing

District 803 is committed to maintaining an education and employment environment that is free from harassment and violence, and hazing on the grounds of sex, sexual orientation, race, religion, color, creed, national origin, marital status, disability, or any status with regard to public assistance, age, or any other affiliation. **District 803** prohibits any form of harassment and violence and hazing on the grounds of sex, race, religion, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age.

It is a violation of this policy for any **District 803** personnel (including school board members, district employees, agents, volunteers, contractors and/or other persons subject to the supervision and control of the district) or students to harass an employee, student, visitor or other person through conduct or communication of a sexual nature or regarding sex, race, religion, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age as defined by this policy and supporting administrative regulations. It is a violation of this policy for any **District 803** personnel or student to inflict, threaten to inflict or attempt to inflict violence based on sexual, racial, religious, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age upon any employee, student, visitor or other person.

It is a violation of this policy for any **District 803** personnel or student to plan, direct, encourage, aid or engage in hazing.

The district will act to investigate all complaints, formal or informal, verbal or written, of sexual, racial, religious, color, creed, national origin,

marital status, disability, status with regard to public assistance, sexual orientation or age harassment or violence, or hazing, and to discipline or take appropriate action against any student, employee or other district personnel who is found to have violated this policy. **District 803** has written procedures for reporting and investigating all complaints of sexual, racial, religious, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age harassment or violence, or hazing, provides for appropriate disciplinary action based on results of the investigation and communicates these procedures to district personnel and students.

This policy does not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

Sexual Harassment and Violence

Sexual harassment is a form of sex discrimination, which violates the United States Civil Rights Act and the Minnesota Human Rights Act. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually-motivated physical conduct, other verbal or physical conduct or communication of a sexual nature or that is demeaning or hostile to an individual based upon their sex, when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education;
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education, or
- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Sexual violence is a physical act of aggression or force or threat of aggression which involves the touching of another person's intimate parts, or forcing a person to touch any person's intimate parts.

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under Minnesota Statutes § 609.341, Subd. 10 to § 609.345; § 609.321 to § 609.324 or § 626.556, Reporting of Maltreatment of Minors. Nothing in this policy shall prohibit the district from taking immediate action to protect victims of alleged sexual abuse.

Harassment and Violence

Harassment consists of physical or verbal conduct or communication that is demeaning or hostile to an individual's sex, race, religion, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age when the conduct:

- Has the purpose or effect of creating a demeaning or hostile employment or education environment;
- Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance, or
- Otherwise adversely affects an individual's employment or education opportunities.

Sex, racial, religious, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age violence is a physical act of aggression or assault upon another because of or in a manner reasonably related to sex, race, religion, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age.

Hazing

Hazing means committing an act against a student or coercing a student into committing an act, that creates a risk of harm, is demeaning, degrading, or holds a person up to ridicule in order for the student to be initiated into or affiliated with a student organization, group, or club.

Prohibition of Bullying and Intimidation

District 803 is committed to maintaining an environment free of bullying and intimidation. Bullying or intimidation means a pattern of conduct that substantially interferes with a student's educational benefits, opportunities or performance that occurs in school, on district property, in a district vehicle, at a school or district activity, at a school bus stop or at other locations that directly affect school programs or activities.

Intimidation or bullying includes an intentional gesture or a written, verbal or physical act or threat that a reasonable person under the circumstances knows or should know has the effect of the following:

- harming a student;
- damaging a student's property;
- placing a student in reasonable fear of harm to his or her person;
- placing a student in reasonable fear of damage to his or her property, or
- presenting a sufficiently severe, persistent or pervasive threat or action and creating an intimidating, threatening or abusive educational environment for a student.

Anti-Discrimination

District 803 complies with state and federal laws prohibiting discrimination, including Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1991 and the Minnesota Human Rights Act.

No person protected by these laws shall, on the grounds of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation or age, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any educational program or activity operated by the district.

The District has programs and processes to:

- Assure district compliance in educational programs, athletics, counseling, activities and facilities;
- Evaluate district operations in terms of applicable federal and state laws prohibiting discrimination;
- Set up a Title IX grievance process and appoint a district Title IX compliance officer, and
- Set up a Section 504 grievance process and appoint a Section 504 compliance officer.

Students are responsible for reporting to their principal any evidence of discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation or age in the district.

Title IX Grievance Process -- Any district student who believes himself or herself to be a victim of discrimination on the basis of sex in violation of Title IX may file a grievance in writing with the **District 803** Human Resources personnel if not grievable by means of another grievance procedure. The grievance must be filed within seven calendar days of the alleged discriminatory act or conduct, or the grievance will be waived.

Special Education Services for Students

In accordance with state and federal mandates, District 803 seeks out, assesses, and appropriately serves students with disabilities. District staff use a comprehensive child study process to systematically screen, assess and, if appropriate, place students in special education services.

Students are entitled to a free appropriate public education (FAPE) in the least restrictive environment (LRE). Services are provided for all students with disabilities.

Section 504 Process for Students

Section 504 is a federal law which prohibits discrimination against persons with a disabling condition in any program receiving federal financial assistance.

Student Interviews with Social Services and Law Enforcement Officials

In Cases Involving Child Abuse or Neglect . . .

Human services and law enforcement agencies each have specific statutory authority to interview at school, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator.

When a local social services or law enforcement agency determines that an interview should take place on school property, notification must be received by school officials before the interview.

The law defines a person with a disabling condition as anyone who:

- Has a mental or physical impairment, which substantially limits one or more major life activities;
- Has a record of such an impairment, or
- Is regarded as having an impairment.

The district has specific responsibilities under the act, which include identifying, reviewing and, if the child is determined to be eligible, affording access to appropriate educational accommodation.

Suspected Maltreatment of Minors

School professionals are required to report suspected maltreatment of minors (evidence of child physical or sexual abuse, neglect, emotional maltreatment, mental injury, threatened injury or prenatal exposure to controlled substances; suspected neglect or abuse within the past three years, kidnapping or depriving another of custodial or parental rights). Any person who is required to report this evidence and who willfully fails to do so will be guilty of a misdemeanor. At the same time, any person who reports this evidence is immune from civil or criminal liability that otherwise might result from such action.

The principal, teacher, school nurse and/or other person who reports evidence may discuss the situation with the child or youth and emphasize that the school is not interested in accusing or punishing anyone, but rather is interested in helping ensure that the maltreatment does not continue.

Upon receiving a report of suspected maltreatment of a minor, the employee making the report or the principal must call the proper authorities the Traverse County Human Services, the local Police department and/or the Minnesota Department of Education – within 24 hours.

The time, place, and manner of the interview on school premises shall be within the discretion of the school administrator, but any such conditions must be reasonable and the interview must be conducted not more than 24 hours after receipt of the notification unless another time is agreed to between district officials and the local social services or law enforcement agency. Every effort shall be made to reduce disruption of the child's educational program, other students and school staff when an interview is conducted on school premises.

Interviews with students during school hours by county social services officials must follow these guidelines:

- Investigating officers must remain in the administration office;

- The educational program of the student must not be disrupted by calling him or her out of class or making him or her miss class, unless such an interruption is unavoidable;
- The interview must be conducted in a private room or area where confidentiality can be maintained;
- The local social services or law enforcement agency shall determine the people who may attend the interview, and
- District personnel should take no action in the investigative process.

School officials may not disclose to the child’s parent, legal custodian or guardian the contents of the interview notification or any other related information regarding the interview until notified in writing by the local social services or law enforcement agency that the investigation or assessment has been concluded.

In Cases Other Than Those Involving Child Abuse or Neglect . . .

When a local human services and/or law enforcement agency gives notice of intention to conduct an interview on school property in connection with an investigation into alleged child abuse under the terms of state law, the district must cooperate. The district has no power to refuse to allow the interview to take place, to determine who will attend the interview, or to determine who will be informed about the interview.

However, other than in connection with an investigation into alleged child abuse, as described above, the administration will grant permission to social service officials to interview students only when the interview is to be held in a closed room away from the view of students and adults, and when prior permission has been received from the student’s parent or guardian for the interview or upon being presented a binding court order.

Law enforcement officials will be allowed to interview students in school regarding their alleged misbehavior or the alleged misbehavior of others outside of the school day but on school grounds only when the interview is to be held in a closed room away from the view of students and adults, and when the law enforcement official receives prior permission from the student’s parent or guardian to conduct the interview or upon being presented a binding court order.

A classroom teacher may not excuse a student at the request of a social services or law enforcement official unless this request has been approved by the appropriate school administrator.

School staff members shall neither request nor interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts shall be made to inform a student’s parent or guardian of the involvement of law enforcement. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary consequence.

Safety and Security

District 803 and each of its schools have emergency plans that are reviewed and, as appropriate, revised several times each year. In addition, to enhance the safety of students, staff and visitors, district officials follow the safety and security guidelines listed below.

At Each School

- All visitors are asked to sign in the office when they arrive at school.
- All visitors are given a form of identification badge to wear while they are in the building.
- Staff members are expected to question people in the building whom they do not recognize and who are not wearing a badge, and to question people who are “hanging around” the building after hours.
- Students are expected to immediately report to a district employee any suspicious behavior or situation that makes them uncomfortable.
- Staff are expected to immediately report to an administrator any suspicious behavior or situation that makes them uncomfortable.
- As many unneeded outside doors as possible are locked during the school day.

District-wide

- All district employees supervising activities or events outside the instructional day shall wear badges to identify themselves.
- All visitors/volunteers are to wear identification badges in district buildings.
- Signs are posted on unlocked doors in all schools to welcome visitors to the school, to instruct them to report first to the office at the main entrance and to wear the school badge while they are in the building
- Signs are posted on locked doors in all schools to explain that the door is locked for safety reasons and to direct people to an unlocked door.

Protection and Privacy of Student Records

Privacy Rights

Educational records which identify or could be used to identify a student, other than directory information (see below), may not be released to members of the public without the written permission of the student's parent or guardian, or the student if he or she is 18 years of age or older or attends a post-secondary institution

Directory Information

"Directory information" includes a student's name, home address and telephone number (for students in grades 9-12 only, to respond to requests from military recruiters and institutions of higher education), date and place of birth, sex, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade levels, degrees and awards received, the most recent previous educational agency or institution attended, school of attendance, photographs for school-approved publications, newspapers and videotapes, and photographs for publication on school-approved Internet and World Wide Web pages.

Directory information may be released to the public without prior parent, guardian or student consent unless the parent, guardian or student (if the student is age 18 or older) has objected in writing to the release of one or more category(ies) of such information.

Parent(s), guardian(s) or students age 18 or older may object to the release of directory information. The form should be completed and returned to that office. If filed, the denial of release of information will remain in effect during the current school year until it is modified or rescinded by the parent, guardian or eligible student.

Inspection of Records

Parent(s)/guardian(s) of a student, or a student who is age 18 or older, may request to inspect and review any of the student's educational records except those which are, by state or federal law, made confidential. The district will comply with the request immediately, if possible, and, if not, within 10 days exclusive of weekends and holidays. Copies of records may be obtained upon written request. A copying and handling fee will be charged.

Challenge to Accuracy of Records

A parent, guardian or student age 18 or older who believes that specific information in the student's educational records is inaccurate, misleading, incomplete or violates the privacy or other rights of the student, may request that the district amend the record in question. Challenges may be made by contacting the superintendent's office.

Special Education Records

At the time of the student's graduation or when the student reaches age 21, special education records are no longer needed to provide educational services to the child. Requests for destruction of special education records can be made by:

- The graduated student, age 18 or older, or
- The non-graduated student, age 21 or older, or
- A person assigned guardianship of a former student with a disability who is no longer eligible for special education services.

A former District 803 student (or the parent or guardian of such a student) who is the subject of special education data may request destruction of special education records by calling or writing to the Building Principal.

Transfer of Records to Other Schools

District 803 forwards educational records of students to other schools and school districts in which a student seeks or intends to enroll upon request of that school or school district. A parent, guardian or student who is age 18 years or older may request and receive a copy of the records which are transferred and may, pursuant to policy, challenge the accuracy of the records. The district does not, however, notify parent(s), guardian(s) or students age 18 or older prior to such transfer.

Complaints for Non-Compliance

Parent(s), guardian(s) and students age 18 or older may submit written complaints of violation of rights accorded them by 20 USCA Section 1232(g) to the Family Educational and Privacy Act Office, U.S. Department of Education, Washington, DC 20201.

Student Responsibilities

Student responsibilities include: conscientious effort in school work and activities; respect for the rights of other students, staff and visitors; and adherence to and cooperation in upholding local, state and federal laws, and district and school policies, rules and regulations. Most of all, students share with the administration and staff the responsibility of establishing and maintaining a safe, stimulating and productive learning environment.

Student Attendance

Regular attendance in all classes is vital to insuring a quality learning experience and productive future for all students. Classroom experiences are both meaningful and essential components of the learning process. Regular class attendance instills self-discipline, exposes the students to group interactions with teachers and fellow students, enables the student to hear and participate in class discussions, and involves the student in educational experiences not available in other circumstances. Make-up assignments can never fully replace the learning experience students miss when they are absent from class. Exceptions to this policy may be made for students with disabilities.

The Wheaton High School attendance policy is based on the following beliefs:

1. Encourages all students to attend school.
2. Can be consistently and efficiently administered.
3. Has consequences and holds students accountable.
4. Has a systematic method of intervention, which is needed to support students' attendance.
5. Is supported by staff, students, parent(s)/guardian(s), and the community.
6. Is communicated and understood by staff, students, and parent(s)/guardian(s).
7. Identifies responsibility of students, parents, teachers, and administrators.
8. Should provide incentives for consistent attendance.
9. Allows a teacher to determine what value is placed on attendance/participation.

MINNESOTA COMPULSORY ATTENDANCE LAW

The Minnesota compulsory instruction law requires students between the ages of seven and sixteen to receive educational instruction by attending

school. (Minnesota Statute § 120A.22) Note: This standard also applies to students who are enrolled in school between the ages of 5 and 7 as well as those between the ages of 16 and 18. When a student fails to attend school as required by law, or repeatedly skips classes, the student may be suspended.

CONTINUING TRUANT

Minnesota Statute § 260A.02 provides that a continuing truant is a student who is subject to the compulsory instruction requirements of Minnesota Statute § 120A.22 and is absent from instruction in a school, as defined in Minnesota Statute § 120A.05 without valid excuse within a single school year for:

1. three days if the child is in elementary school; or
2. three or more class periods on three days if the child is in middle school, junior high school, or high school.

REPORTING RESPONSIBILITY

When a student is initially classified as a continuing truant, Minnesota Statute § 260A.03 provides that the principal or other designated school official shall notify the student's parent or legal guardian, by first class mail or other reasonable means, of the following:

1. that the child is truant;
2. that the parent or guardian should notify the school if there is a valid excuse for the child's absences;
3. that the parent or guardian is obligated to compel the attendance of the child at school pursuant to Minnesota Statute § 120A.22 and parents or guardians who fail to meet this obligation may be subject to prosecution under Minnesota Statute § 120A.34;
4. that this notification serves as the notification required by Minnesota Statute § 120A.34;
5. that alternative educational programs and services may be available in the district;

6. that the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;
7. that if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under Minnesota Statute Chapter 260;
8. that if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to Minnesota Statute § 260C.201; and
9. that it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

HABITUAL TRUANT

1. A habitual truant is a child under the age of 16 years who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school, or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school.
2. A school district attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minnesota Statute Chapter 260A.

STUDENT RESPONSIBILITIES

1. Attend each class and arrive on time prepared to learn and participate.
2. Sign the attached verification form confirming that you have read and understood the Wheaton Public Schools rights and responsibilities policy.
3. For pre-excused absences for all or part of a day, follow this procedure:
 - a. Provide a signed note from a parent/guardian to the Office before the start of school
 - b. Receive a pass from the Office indicating when the student should be excused from school.
 - c. Show the admit pass to each teacher at the beginning of the hour of which they will be leaving. Find out what assignments they will be missing. (Middle and High School)
 - d. Sign out in the Principal's office before leaving the building and sign back in if they return before the end of the school day (obtain an admit pass from the office). If a student does not follow this procedure, the absence may considered unexcused.
4. If a pre-excused absences of more than 3 days will occur, follow this procedure:
 - a. Bring a note from parent/guardian before the absence occurs.

- b. Obtain an official pre-excused Make-up Report and Admit to Class from the Office and show it to each teacher and find out assignments they will be missing during their absence. (Middle and High School)
 - c. Make up as many required activities, classroom assignments, tests, and quizzes before they leave or while they are gone. Remaining assignments should be made up as soon as possible when they return.
5. For excused absences for all or part of a day for an unexpected reason such as an illness, follow this procedure:
 - a. Call or e-mail the school when you determine the student will not be attending school.
 - b. If you learn the absence will be extended to 3 or more days, contact the office and assignments from the student's teachers will be collected.
 - c. When you return to school, turn in completed assignments and/or find out what work needs to be completed. For extended illness, students must make up missed assignments within two days for each day absent unless other arrangements have been made with the classroom teacher or the administrator.
 6. With the exception of students who are emancipated from their parents, all students must provide the Principal's Office with a note which is signed by the student's parent/guardian and which states a valid reason for the absence. An emancipated student is one who does not live with and also is not economically dependent upon his or her parent, a guardian, a family member or other adult.

PARENT/GUARDIAN RESPONSIBILITIES

1. Hold your child accountable for regular attendance and for following the attendance policy.
2. Limit absences by scheduling appointments, vacations, college visits, etc. on non-school days.
3. Notify the Office, in writing, of an extended pre-excused absence before the absence.
4. Contact the Office, counselor, social worker and/or teacher if you have any concerns about your child's attendance.
5. Hold your child accountable for regular attendance and for following the attendance policy.
6. Review and sign the attached verification form confirming that you have read and understood the Wheaton Public Schools rights and responsibilities policy and return it to your school's principal's office.

TEACHER RESPONSIBILITIES

1. Know and implement the student rights and responsibilities policy.
2. Report any discrepancies in the daily attendance report to the Office.

3. Write, distribute, and explain each course outline to all students. (H.S.)
4. File a copy of your course outline in the Principal's Office at the beginning of each semester. (H.S./M.S.)
5. Take attendance each class hour and enter any absences or tardies into school information system during that class period. (H.S./M.S.)
6. Communicate with parent(s)/guardian(s) when a student's attendance adversely affects his/her grade or progress.

ADMINISTRATIVE RESPONSIBILITIES

1. Distribute District Rights and Responsibility attendance policy to all students, parents, and staff.
2. Plan interventions for students with excessive absences.
3. Communicate with parents regarding student attendance. Parent/Guardians will be contacted when a student reaches 8 absences in a semester. Parents will only receive one notification letter per semester.
4. Review disputes of classification(s) of absences and make ultimate building decision.
5. Review teachers' course outline. (H.S./M.S.)
6. Adopt/encourage school-wide policies/practices, which provide incentives for regular attendance.

CLASSIFICATION OF ABSENCES

All absences will be classified by the school administration as one of the following: "EXCUSED", "UNEXCUSED", "MEDICAL" or "TARDY."

EXCUSED ABSENCES

With the exception of students who are emancipated from their parents, all students must provide the Office with a note which is signed by the student's parent/guardian and which states a valid reason for the absence. An emancipated student is one who does not live with and also is not economically dependent upon his or her parent, a guardian, a family member or other adult. An emancipated student must also provide the Office with a note stating a valid reason for the absence but may sign the note himself or herself. If a student fails to provide the Office with such a note before or upon the student's return to school or within the next two school days, the absence will be counted as unexcused. (middle and high school) An absence will be excused if the student provides a written note which is signed by a parent/guardian and states that the absence is/was a result of the one of the following conditions:

1. Illness, injury, or hospitalization of the student.
2. Disability of the student. If a student suffers from a permanent or temporary disability which prevents the student from regular attendance, verification from the student's physician specifying the nature of the disability and the anticipated duration of the disabling condition will be required once per school year. For each absence, the

student's parent must provide the attendance office with a signed note verifying the reason for the absence.

3. Medical, dental, and other professional appointments (note: this does not include appointments such as haircuts or tanning sessions), which cannot be scheduled outside of school hours.
4. Family emergency, serious illness in family, or death in the family.
5. Religious or cultural holidays or observances as approved by Administration.
6. Attendance at a course of religion instruction for up to three hours each week as provided by Minn. Stat. 120A.22, Subd. 12(3). Before attending such a program, the parent/guardian must obtain approval from the Office.
7. Mandatory court appearances. Must be verified with a court subpoena or letter from lawyer and/or parent/guardian.
8. Conditions beyond the student's control. If a student is absent for part of a day because of conditions beyond the student's control, the student must provide the Office with a note no later than 2 days. Examples of conditions of beyond a student's control include, but are not limited to, absence as a result of an automobile accident, and absence as a result of inclement weather which delays the student's arrival on the school bus.
9. Pre-approved family trips and college visits taken with a parent. Parents are strongly encouraged to schedule such trips during school breaks and vacations. Seniors *only* can receive a college visit excuse for up to three days of college visits during the school year and juniors can use up to 2 days. Verification from the college through the guidance counselor is required.
10. Compliance with any provision of a disabled student's Individual Education Plan or Section 504 Accommodation Plan.
11. Special education assessment performed by or at the direction of School District personnel. A student will be given a school-related absence.
12. Pre-approved testing, including college testing and military testing requires approval from the principal prior to the absence and must fit into the college visit limit.
13. Pre-excused participation in a school-sponsored activity. Examples include, but are not limited to, participation in a school-sponsored field trip, foreign exchange program, student council, state tournament, Knowledge Bowl, athletic contest, music lessons pre-arranged with the music teacher or school-sponsored music performance. School-related absences will not count against the cap of twelve absences.
14. Work on an educational assignment or exam with another teacher in the building that spills over into another class period. In this instance, a note from the teacher rather than from the parent is required. (middle and high school)
15. Visits to the Principal's or Assistant Principal's Office and scheduled visits to the office of the counselor, school psychologist, or activities

director. In this instance, a note from the principal, assistant principal, counselor, school psychologist or activities director rather than from the parent is required.

16. Suspensions. Absence from class as a result of an in-school or out-of-school suspension is counted as excused.

UNEXCUSED ABSENCES

Any absence, which is not excused under this policy, will be counted as unexcused.

MEDICAL ABSENCE

If students have been out of school for two days or longer because of illness or hospitalization and if they exceed the 12-absence cap, they may bring a note from their doctor stating the medical condition and length of absence to the principal's office at the end of the semester and their attendance record will be corrected to reflect the fact that the absence was due to a medical reason. Doctors excused absences will not count against the cap of 12 absences if the above procedure is followed and excuses are verified.

TARDIES

A tardy is defined as entrance into a class within the first five minutes of a class period. Five minutes after the bell sounds, students will not be admitted into the class without a pass from the principal's office. The third tardy to the same class during a month and will result in detention. Habitual tardiness will be handled by the administration.

FALSE EXCUSES

Any student who submits a false excuse or forges the signature of a parent/guardian or school personnel on an excuse will receive an unexcused absence for the day(s) in question.

TRUANCY PREVENTION

1. After a student has a 3rd unexcused absence from a complete school day, the school shall schedule an intervention with the student and their parent(s) or legal guardian(s) to address the issues surrounding the unexcused absences.
2. After a student has a 5th unexcused absence from a complete school day, the school shall refer the student and their parent(s) or legal guardian(s) to a Diversion Panel, which will be made up of the School Administrator, School Counselor, and Traverse County Social Services to address the issues surrounding the unexcused absences and come up with a plan to improve the student's school attendance.

3. After a student has a 7th unexcused absence from a complete school day, the school shall contact Traverse County Social Services for the filing of a C.H.I.P.S. petition for habitual truancy.
4. If the student has suffered an extended illness and required work has not been completed, the class record will show an incomplete. A grade will be assigned after the work is completed according to the make-up policy guidelines.

NOTIFICATION PROCESS

1. An attempt will be made to contact parents/guardians through the phone system regarding the absence of their students from class if the school has not been contacted with a reason. Parents are encouraged to call the Principal's Office, 563-8282 (Ext. 1), if there is any question regarding the absences reported. Parents may also contact the teacher involved.
2. Parents/guardians of students who have eight (8) or more absences in one or more classes during a semester will be notified by mail of that fact. The notice shall inform the student and parent/guardian that, pursuant to the attendance policy, a total of eight 12 absences occur within a semester course, the student shall receive a loss of credit in that class. A letter will be sent by school personnel to the parents/guardians to explain the loss of credit, audit, and appeals process. Parents/guardians will only receive one letter informing them that their son/daughter has reached the 8-absence plateau.
3. The student and parent may attend the Appeals Board hearing if they feel they have just reason for the absences. The hearings are held at the end of each of the semester. Loss of credit will be automatic unless the Appeals Board reinstates credit. Appeals will not be considered if the students does not show up and present their case at the Appeals hearing. Upon recommendation of the appeals board, the administration may reinstate credit or reinstate credit with conditions that must be met. Parents/Guardians will be notified of the decision of the Appeals Board in writing.
4. A loss of credit will be recorded on the report card and permanent record and counted the same as an "F" in the grade point average for the term.

ATTENDANCE RECORDS

1. Teacher Records

Each classroom teacher shall maintain class attendance records in which all absences from class are recorded. The teacher's record is official and is submitted to the Principal's Office at the end of the school year.

2. Office Records

The Principal's Office will attempt to call when excuses for absences are unknown. The call is meant to be a manner of communicating with the family in order to improve school attendance.

SENIOR PRIVILEGE CAMPUS

1. This privilege is extended only to students who have achieved senior status. Senior privileges allow students to leave campus during the specified period of time.
2. Parents must give written permission and assume full legal responsibility for those seniors that are not emancipated to participate in senior privileges.
3. These privileges apply only to lunch hour and study halls.
4. These privileges are subject to yearly school board approval.

LOSS OF SENIOR PRIVILEGE

A student will lose their senior privilege for the remainder of the semester if he or she does any of the following:

1. Placed on the Academic Probation/Ineligibility.
2. Accumulates three or more unexcused absences within a semester.
3. Exceeds the 12-absence limit.
4. Fails to maintain a 2.0 GPA during the first semester.
5. Excessive or serious individual disciplinary infractions. (loss of privileges to be determined by the principal)
6. Have more than 6 tardies the first hour of the day during the third or fourth quarter.
7. Violates the closed noon hour policy during the third quarter.
8. Repeatedly fail to return in time for the next class after noon hour or from an excused study hall.

LOSS OF CREDIT

No credit will be given for any course in which a student exceeds (12) absences within a semester course. Unless the absences are successfully

appealed, the student will receive no credit for the entire semester the class is in session. At loss of credit, an "F" is recorded on the report card and permanent record, and counted the same as an "F" in the grade point average for the term. Exceptions may be made for students with disabilities.

NO MAKE-UP POLICY

An unexcused absence of a student from school means that the student will not receive credit for the hour(s) of work missed. Assignments, tests, quizzes, and activities will receive a ZERO for the day(s) of unexcused absence(s).

INCOMPLETES

A grade of "incomplete" (I) indicates that work must be completed before a grade is issued. Instructors will inform students of the amount of time they have to finish such work. Ten (10) school days will be the maximum time allowed to make up an incomplete. Any incomplete not made up within the allotted time will change to a failure (F). The individual teacher may make grade adjustments after this time.

Student Behavior and Discipline

Behavior is a student's demeanor and conduct in relation to:

- Treatment of other people;
- Care for property;
- Responsibility for personal possessions, and
- Accountability for own actions.

Students are expected to behave in accordance with federal, state and local laws and rules; and district and school policies, rules and regulations, and in a way that respects the rights and safety of others. Staff will take corrective action to discipline a student and/or to modify a student's behavior when a student's behavior does not fall within these parameters.

School staff may report suspected criminal misconduct by a student to law enforcement. Law enforcement officers shall be permitted to carry out

necessary law enforcement functions in the schools, including the removal of a student from school grounds in appropriate circumstances.

Actions which may be used by staff to discipline students and/or encourage them to modify their behavior include but are not limited to: student conference, parent or guardian notification, parent or guardian conference, parent shadow, fine, restitution, detention, removal from class, in-school suspension, dismissal from school, out-of-school suspension, exclusion, expulsion, referral to law enforcement authorities and recommendation of alternative community services.

Discipline:

- Sets behavioral limits and guidelines to lead students to and through adulthood;

- Develops individual respect for law, authority, property, and the rights of others and self, and
- Develops a mature individual capable of self-control and direction.

Disciplinary efforts are to be as positive as possible, and are to include recognizing and strengthening appropriate behavior. Every student and employee in District 803 is entitled to learn and work in a safe school environment. Therefore, the district is responsible for making reasonable rules and regulations governing student behavior and conduct, and maintaining proper control and discipline. To ensure this, it is important that the district establish and communicate clear student behavior expectations and support these expectations with appropriate consequences that are applied consistently.

Some additional district guidelines on student behavior and discipline include the following:

Corporal Punishment -- The use of corporal punishment (inflicting physical hurt upon a child in order to punish her or him for misconduct) is not permitted.

Victims -- When an incident occurs in which one or more students have been physically or emotionally harmed by the misbehavior of another student(s), district staff shall be sensitive to the need to provide support to the victim(s) and to inform their parent(s) or guardian(s) about the incident.

Physical Holding or Seclusion (MN State Statute 125A.0942, Subd. 3)

1. Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements
 - a. Physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency;
 - b. Physical holding or seclusion is not used to discipline a non-compliant child;
 - c. Physical holding or seclusion ends when the threat of harm ends and the staff determines the child can safely return to the classroom activity;
 - d. Staff directly observes the child while physical holding or seclusion is being used;

- e. Each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information:
 - i. A description of the incident that led to the physical holding or seclusion;
 - ii. Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
 - iii. The time the physical holding or seclusion began and the time the child was released; and
 - iv. A brief record of the child's behavior and physical status
- f. The room used for seclusion must:
 - i. Be at least six feet by five feet;
 - ii. Be well lit, well ventilated, adequately heated, and clean;
 - iii. Have a window that allows staff to directly observe a child in seclusion;
 - iv. Have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;
 - v. Have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and
 - vi. Not contain objects that a child may use to injure the child or others; and
- g. Before using a room for seclusion, as school must:
 - i. Receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and
 - ii. Register the room with the commissioner, who may view that room.

Student Behavior Expectations and Consequences for Misbehavior

The consequences for misbehavior are designed to be fair, firm and consistent for all students in District 803. They apply to K-12, early childhood and adult basic education (ABE) students in any school or other district building, on district property, in district vehicles, at school bus stops, and at school or district events.

Because it is not possible to list every misbehavior that occurs, misbehaviors not included here will be responded to as necessary by staff. Bus drivers, chaperones, classroom teachers, counselors, administrators and other appropriate district staff deal with minor misbehaviors.

- Cheating, lying, plagiarism, copyright violations, and other “academic” misbehaviors will be dealt with in the context of the student’s classroom or co-curricular activities and are not addressed in the following chart of misbehaviors.
- Students participating in co-curricular activities will also be expected to abide by the bylaws of the Minnesota State High School League, regardless of whether the particular activity is sponsored by the League.

In addition to the consequences detailed on this and following pages, a school district administrator may respond to student misbehavior in a variety of ways which include, but are not limited to: dismissal from school, removal from class, reports to probation services, criminal reports, community service, fines, loss of driving and parking privileges (at the high school level), and chemical evaluation.

Administrators may involve law enforcement authorities as necessary. If a student violates a district policy or regulation, which is also a violation of a law, the student will be referred to the police in addition to being dealt with as described here. In accordance with state law, administrators will refer to the juvenile delinquency or criminal justice system any student who brings a firearm to school unlawfully.

Administrators may recommend longer suspensions, expulsion or other discipline on a case-by-case basis. This may include more severe consequences for students with multiple offenses in different categories of misbehavior.

In the charts on the following pages, suspension is defined as out-of-school suspension (OSS). A one-day suspension is for a consecutive period of time equivalent to one school day. For example, if a student is suspended at noon, he or she may be suspended until noon on the following school day.

Consequences

For each misbehavior described in the following charts, there are specific consequences for first, second, third and fourth violations. The definitions of those consequences, and other consequences for misbehavior, are as follows:

“★” (*elementary schools*) – Student conference and parent or guardian notification; may include but is not limited to parent conference, restitution, peer mediation, adult-facilitated mediation, detention and in-school suspension.

“★” (*middle schools*) – Student conference and parent or guardian notification; may include, but is not limited to parent conference, parent shadow, restitution, detention and up to one-day out-of-school suspension.

“★” (*high schools*) – Student conference and parent or guardian notification; may include, but is not limited to parent conference, restitution, detention and up to one-day out-of-school suspension.

Detention – Requirement for a student to remain in school or attend school outside normal school hours.

Dismissal – Dismissing a student from school for less than one school day.

Exclusion – Action taken by the school board to prevent a student from enrolling or re-enrolling for a period of time not to extend beyond the school year.

Expulsion – A school board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.

Fine – A financial penalty assessed of a student by the school.

Mediation – Mediation is designed to:

- Prevent minor misbehaviors from escalating to the point where disciplinary consequences need to be applied. (For example, teasing, name-calling, spreading rumors, etc., can be mediated if both parties are willing to participate.)
- Resolve interpersonal conflicts that may also require disciplinary consequences. (For example, after a student has received the designated disciplinary consequences for physical fighting, he or she could be offered the option of mediation to prevent the problem from escalating in the future.)

Notification of Police – Contact by the school administration with the local police department to inform them about an illegal misbehavior engaged in by a student.

Parent Conference – Scheduled meeting between a school employee and a student’s parent or guardian.

Removal from Class – Action taken by a teacher, principal or other district employee to prohibit a student from attending one or more class periods or activity periods for up to five days.

Restitution – Compensation or compensatory service required of a student who has damaged, taken or destroyed school or personal property.

Suspension from Bus – Action taken by the district administration to prohibit a student from riding a school bus or other district vehicle for a specific number of days per incident.

Suspension, In-school -- Action taken by a teacher, principal or other district employee to prohibit a student from attending more than one class and/or activity period for a period of time not to exceed five days.

Suspension, Out-of-school - Action taken by the school administration to prohibit a student from attending school for a period of time of no more than 10 school days. (A one-day suspension is for a consecutive period of time equivalent to one school day. For example, if a student is suspended at noon, he or she may be suspended until noon the

following school day.) If a suspension is longer than five days, the suspending administrator shall provide the superintendent or designee with a reason for the suspension. A student who is on out-of-school suspension may not be in the school, on school or district property or attend school or district activities during the period of the suspension.

There are other consequences available in certain circumstances that will be determined by school administration.

Misbehaviors and Consequences

Students are expected to not engage in the following activities. The consequences apply regardless of whether the misbehavior took place in school, on district property, in a district vehicle, at a school or district activity, or at a school bus stop. The consequences may also apply for misbehaviors which take place at other locations, but directly affect school programs or activities. The administrator has the discretion to evoke up to the listed maximum consequence per offense on a case-by-case basis. The administrator may also recommend longer suspensions, expulsion, denial of transportation privileges or other discipline on a case-by-case basis with approval from the superintendent or designee. This may include more severe consequences for students with multiple offenses in different categories of misbehavior. (NOTE: At the elementary school level, the principal may substitute in-school suspension [ISS] for out-of-school suspension [OSS] on a case-by-case basis)

MISBEHAVIORS	1st Offense	2nd Offense	3rd Offense	4th Offense
1. Abuse: Verbal, Written or Otherwise Expressed -- Arousing alarm in others through the use of language that is discriminatory, abusive, threatening or obscene.				
Involving student or staff (grades k-5)	★	★	1-day suspension or parent shadow	3-day suspension
Involving student (grades 6-12)	★	1-day suspension	3-day suspension	5-day suspension
Involving staff (grades 6-8)	1-day suspension	3-day suspension	5-day suspension	expulsion
Involving staff (grades 9-12)	1-day suspension	3-day suspension	5-day suspension	expulsion
2. Alcohol or Chemicals, Possession or Use -- Possessing, influenced by the use of or using any narcotic or controlled substance, or item purported or believed to be a narcotic or controlled substance, or possessing or distributing drug paraphernalia where possession or use is prohibited by Minnesota or federal law; or use of over-the-counter or prescription drugs for the purpose of mood alteration or intoxication, or inhaling the fumes of certain volatile substances for their mood-altering or intoxicating effect (Any prescription or over-the-counter medication a student is required to take, with the exception of inhalers and epi-pens, must be left with and administered by the principal's office with medication form signed)				
(grades k-5)	★	1-day suspension or parent shadow	3-day suspension	5-day suspension
(grades 6-8)	3-day suspension and referral to <u>Traverse County Child Protection Team</u>	5-day out-of-school suspension	expulsion	
(grades 9-12)	3-day suspension and referral to <u>Traverse County</u>	expulsion		

	<u>Child Protection Team</u>			
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MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
3. Alcohol, Possession With Intent to Distribute or Sell -- Selling or distributing, or intending to sell or distribute, alcohol where sale or distribution is prohibited by Minnesota or federal law.				
(grades k-5)	3-day suspension	expulsion		
(grades 6-8)	5-day suspension	expulsion		
(grades 7-12)	5-day suspension	expulsion		
4. Ammunition, Mace or Pepper Gas Possession -- Possession of bullets, other projectiles designed to be used in a weapon or other material designed to cause pain or injury.				
(grades k-5)	★	3-day suspension	5-day suspension	expulsion
(grades 6-8)	1-day suspension	3-day suspension	5-day suspension	expulsion
(grades 9-12)	1-day suspension	3-day suspension	5-day suspension	expulsion
5. Arson -- Intentional destruction or damage to school or district buildings or property by means of fire.				
(grades k-5)	expulsion and restitution			
(grades 6-8)	expulsion and restitution			
(grades 9-12)	expulsion and restitution			
6. Assault, Aggravated -- Committing an assault upon another person with a weapon or a device used as a weapon, or an assault which inflicts great bodily harm upon another person.				
(grades k-5)	expulsion			
(grades 6-8)	expulsion			
(grades 9-12)	expulsion			

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
7. Assault, Physical -- Acting with intent to cause fear in another person of immediate bodily harm or death, or intentionally bullying, inflicting or attempting to inflict bodily harm upon another person. Any intentional, harmful or potentially harmful physical contact or bullying initiated by a student against a staff member will be considered to be assault.				
Upon a student or staff member (grades k-5)	1-day suspension	1-day suspension	3-day suspension	5-day suspension
Upon a student (grades 6-12)	5-day suspension	expulsion		
Upon a staff member (grades 6-12)	expulsion			
8. Assault: Verbal, Written or Otherwise Expressed -- Confrontation with a student or staff member which bullies, intimidates, threatens or causes fear of bodily harm or death.				
Upon a student or staff member (grades k-5)	★	1-day suspension	3-day suspension	5-day suspension
Upon a student (grades 6-8)	1-day suspension	3-day suspension	5-day suspension	expulsion
Upon a student (grades 9-12)	3-day suspension	5-day suspension	expulsion	
Upon a staff member (grades 6-12)	5-day suspension	expulsion		
9. Bodily Harm, Inflicting -- Committing an act which unintentionally inflicts bodily harm upon another person (<u>fighting</u>).				
(grades k-5)	★	1-day suspension	3-day suspension	5-day suspension
(grades 6-8)	1-day suspension	3-day suspension	expulsion	
(grades 9-12)	1-day suspension	3-day suspension	expulsion	
10. Bomb Threat, False -- Intentionally giving a false alarm of a bomb.				
(grades k-2)	1-day suspension	3-day suspension	5-day suspension	expulsion
(grades 3-5)	3-day suspension	expulsion		
(grades 6-8)	expulsion			
(grades 9-12)	expulsion			

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
11. Burglary -- Entering a building or a specific area of a building without consent and with intent to commit a crime, or entering a building without consent and committing a crime.				
(grades k-5)	3-day suspension and restitution	expulsion and restitution		
(grades 6-8)	expulsion and restitution			
(grades 9-12)	expulsion and restitution			
12. Chemicals, Possession With Intent to Distribute or Sell – Selling or distributing, or intending to sell or distribute, any narcotic, controlled substance, or item purported or believed to be a narcotic or controlled substance, or paraphernalia, where sale or distribution is prohibited by Minnesota or federal law; or selling or distributing over-the-counter drugs or prescription drugs to be used for the purpose of mood alteration or intoxication, or volatile substances which can be inhaled for the purpose of mood alteration or intoxication.				
(k-5, distribution of paraphernalia)	5-day suspension	expulsion		
(grades 6-12, distribution of paraphernalia)	5-day suspension	expulsion		
(grades 6-12)	expulsion			
13. Damage of Property (Vandalism) -- Defacing, cutting or otherwise damaging property that belongs to the school, district, other students, employees or others. <i>(NOTE: Tampering with or disabling surveillance or security equipment will automatically result in consequences at the 2nd offense level.)</i>				
(grades k-5)	★and restitution	1-day suspension and restitution or parent shadow and restitution	3-day suspension and restitution	5-day suspension and restitution
(grades 6-8)	★and restitution	3-day suspension and restitution	5-day suspension and restitution	expulsion and restitution
(grades 9-12)	3-day suspension and restitution	5-day suspension and restitution	expulsion and restitution	

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
14. Dress -- Clothing may not include words or visuals which are lewd*, obscene*, disruptive*, abusive* or discriminatory*, or which advertise drugs, alcohol or tobacco. Dress or grooming which is disruptive of the classroom or school atmosphere is not allowed. Shoes must be worn at all times for health and safety reasons. Secondary school students may not wear facemasks that would prevent the student from being identified.				
(grades k-5)	change clothes	★	1-day in-school suspension	3-day suspension
(grades 6-8)	change clothes	★	1-day suspension	3-day suspension
(grades 6-12)	change clothes	★	1-day suspension	3-day suspension
15. Careless or Reckless Driving -- Driving on school property in such a manner as to endanger persons or property.				
(grades 9-12)	★ may include revocation of parking privileges for specified period of time	1-day suspension; may include revocation of parking <u>privileges</u>	3-day suspension; may include revocation of parking <u>privileges</u>	5-day suspension; will include revocation of parking <u>privileges</u>
16. Explosives, Possession and/or Use -- Possessing or using any compound or mixture, the primary or common purpose of which is to function by explosion, with substantially instantaneous release of gas and heat.				
(grades 3-12)	expulsion			
17. Fighting -- Adversarial physical contact (differentiated from poking, pushing, shoving or scuffling) in which one or the other party(ies) or both contributed to the situation by verbally instigating a fight and/or physical action. Promoting/instigating a fight -- contributing to a fight verbally or through behavior.				
(grades k-5)	★	★	1-day suspension	3-day suspension
(grades 6-8)	1-day suspension	3-day suspension	5-day suspension	expulsion
(grades 9-12) -- fighting	3-day suspension	5-day suspension	expulsion	
(grades 9-12) -- promoting/instigating a fight	1-day suspension	3-day suspension	5-day suspension	expulsion

* **Lewd and Obscene** is defined as follows: 1) The average person, applying contemporary community standards, would find that the clothing taken as a whole appeals to the prurient interest of minors of like age; 2) The clothing depicts or describes sexual conduct in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of like age, and 3) The clothing taken as a whole lacks serious literary, artistic, political or scientific value for minors.

* **Disruptive** is defined as reasonably forecasted to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or the work of the school or to impinge on the rights of other students.

* **Abusive** is defined as insulting, contemptuous or defamatory.

* **Discriminatory** is defined as demonstrating prejudice against groups or individuals, as referred to in the district's anti-discrimination policy.

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
18. Fire Alarm, False -- Intentionally giving a false alarm of a fire, or tampering or interfering with any fire alarm.				

(grades k-5)	★	1-day suspension or parent shadow	3-day suspension	5-day suspension
(grades 6-12)	5-day suspension	expulsion		
19. Fire Extinguisher, Unauthorized Use -- Unauthorized handling of a fire extinguisher.				
(grades k-5)	★	1-day suspension or parent shadow	3-day suspension	5-day suspension
(grades 6-12)	3-day suspension	expulsion		
20. Fireworks, Possession -- Possessing or offering for sale any substance, combination of substances or article prepared to produce a visible or audible effect by combustion, explosion, deflagration or detonation.				
(grades k-5)	★	1-day suspension or parent shadow	3-day suspension	5-day suspension
(grades 6-12)	1-day suspension	3-day suspension	expulsion	
21. Fireworks, Use -- Using any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.				
(grades k-5)	★	3-day suspension	5-day suspension	expulsion
(grades 6-8)	3-day suspension	5-day suspension	expulsion	
(grades 9-12)	3-day suspension	5-day suspension	expulsion	
22. Gambling -- Playing a game of chance for stakes.				
(grades k-5)	★	★	★	1-day suspension or parent shadow
(grades 6-8)	★	★	1-day suspension	3-day suspension
(grades 9-12)	★	1-day suspension	3-day suspension	expulsion

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
23. Harassment, Including Sexual -- Participating in or conspiring with others to engage in acts that injure, degrade, intimidate or disgrace other individuals, including indecent exposure, displaying pornography and words or actions that negatively impact an individual or group based on their racial, cultural or religious background, their sex, their sexual orientation, any disabilities they may have or their color, creed, national origin, marital status, status with regard to public assistance or age.				
(grades k-3)	★	★	1-day suspension or parent shadow	3-day suspension
(grades 4-5)	★	★	3-day suspension	5-day suspension
(grades 6-8)	★	1-day suspension	5-day suspension	expulsion
(grades 9-12)	1-day suspension	3-day suspension	5-day suspension	expulsion
24. Hazing -- Committing an act against a student or coercing a student into committing an act that creates a substantial risk of harm or holds a student up to ridicule in order for the student to be initiated into or affiliated with a student organization, group or club.				
(grades 6-8)	1-day suspension	3-day suspension	5-day suspension	expulsion
(grades 9-12)	3-day suspension	5-day suspension	expulsion	
25. Insubordination -- Willful refusal to follow an appropriate direction given by a staff member.				
(grades k-5)	★	★	1-day suspension or parent shadow	3-day suspension
(grades 6-8)	★	1-day suspension	3-day suspension	5-day suspension
(grades 9-12)	★	1-day suspension	<u>3-day suspension</u>	<u>5-day suspension</u>

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
26. Lighting Incendiary Devices -- K-12: Unauthorized igniting of matches, lighters and other devices that produce flames. K-5: Also possession of such devices.				
(grades k-5)	★	1-day suspension or parent shadow	3-day suspension	5-day suspension
(grades 6-12)	1-day suspension	3-day suspension	5-day suspension	expulsion
28. Nuisance Devices -- Causing a nuisance with objects that cause distractions, such as pagers, radios, headsets, <u>cell phones</u> , universal remote controls and laser pointers. The use of cell phones or pagers in school buildings, for either incoming or outgoing calls, is strictly prohibited. During school, phones and pagers should be turned off and stored in the student's book bag, locker, or in a pocket. A ringing phone or pager will be confiscated and will lead to assigned consequences.				
(grades k-5)	★	★	1-day suspension or parent shadow	3-day suspension
(grades 6-8)	★	1-day suspension	3-day suspension	5-day suspension
(grades 9-12)	★	3-day suspension	5-day suspension	5-day suspension
29. Pornography, Possession -- Possession of sexually explicit material.				
(grades k-5)	★	1-day suspension or parent shadow	3-day suspension	5-day suspension
(grades 6-8)	★	1-day suspension	3-day suspension	5-day suspension
(grades 9-12)	★	3-day suspension	5-day suspension	5-day suspension
30. Records or Identification Falsification -- Falsifying signatures or data, or refusing to give proper identification or giving false information to a staff member.				
(grades k-5)	★	★	1-day suspension or parent shadow	3-day suspension
(grades 6-8)	★	1-day suspension	3-day suspension	5-day suspension
(grades 9-12)	★	3-day suspension	5-day suspension	5-day suspension
MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
31. Robbery or Extortion -- Obtaining property from another person where his or her consent was <u>induced by use of force, threat of force or under false pretenses.</u>				
(grades k-5)	★ and restitution	1-day suspension or parent shadow and restitution	3-day suspension and restitution	5-day suspension and restitution

(grades 6-8)	3-day suspension and restitution	5-day suspension and restitution	expulsion and restitution	
(grades 9-12)	5-day suspension and restitution	expulsion and restitution		
32. Sexual Violence -- A physical act of aggression or force, or the threat of aggression or force, which involves non-consensual sexual contact or sexual intercourse with another person, including intentional touching of clothing covering a person's intimate parts, intentional touching of a person's intimate parts, forcing a person to touch any person's intimate parts, or intentional attempted or actual removal of clothing covering a person's intimate parts or undergarments.				
(grades 6-8)	5-day suspension????	expulsion		
(grades 9-12)	expulsion			
33. Terroristic Threat -- Threatening, directly or indirectly, to commit a crime of violence with the purpose to terrorize another or with reckless disregard of the risk of causing terror in another.				
(grades k-5)	1-day suspension	3-day suspension	5-day suspension	expulsion
(grades 6-8)	5-day suspension	expulsion		
(grades 9-12)	5-day suspension	expulsion		
34. Theft, or Knowingly Receiving or Possessing Stolen Property -- Unauthorized taking of the property of another person or receiving or possessing such property.				
(grades k-5)	★and restitution	★and restitution	1-day suspension and restitution or parent shadow and restitution	3-day suspension and restitution
(grades 6-8)	1-day suspension and restitution	3-day suspension and restitution	5-day suspension and restitution	expulsion and restitution
(grades 9-12)	1-day suspension and restitution	3-day suspension and restitution	5-day suspension and restitution	expulsion and restitution
MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
35. Tobacco – Possessing, using or distributing tobacco in district buildings, on district grounds, in district vehicles or at district events, in violation of the Tobacco-Free Environment and Minnesota Statute § 609.685.				

(grades k-5)	★	1-day suspension or parent shadow	3-day suspension	5-day suspension
(grades 6-12)		1-day suspension	3-day suspension	5-day suspension
36. Trespassing -- Being present in any district facility or portion of a district facility when it is closed to the public or when the student does not have the authorization to be there, or unauthorized presence in a district vehicle; or unauthorized access or activity in a district computer, into district, school or staff computer files, into a school or district file server, or into a network.				
(grades k-5)		★	1-day suspension or parent shadow	3-day suspension
(grades 6-8)	★		3-day suspension	5-day suspension
(grades 9-12)	★	1-day suspension	3-day suspension	expulsion
37. Vehicle, Unauthorized Use -- Occupying or using vehicles during school hours without parental permission and school authorization.				
(grades 9-12)	★	1-day suspension	3-day suspension	5-day suspension
38. Weapon or Look-alike Weapon, Possession -- Possessing any firearm, whether loaded or unloaded, or any device intended to look like a firearm; any knife; any device or instrument designed as a weapon and capable of producing severe bodily harm, or intended to look like a device or instrument capable of producing severe bodily harm; or any other device, instrument or substance, which, in the manner in which it is used or intended to be used, is calculated or likely to produce severe bodily harm or looks like it is calculated or likely to produce severe bodily harm. (NOTE: State law requires expulsion if the weapon is a firearm.)				
Look-alike weapon possession. (grades k-5)	★	1-day suspension	3-day suspension	5-day suspension
Weapon, possession (grades k-5)	★			
Weapon or look-alike weapon, possession (grades 6-12)	Expulsion			

Student Transportation: Behavior Expectations

To help ensure the safety of students, transportation employees and other motorists, students are required to abide by all student behavior rules outlined in board policy and rules established by the school's contracted transportation provider. In addition, while riding in a district vehicle, in accordance with state law students shall not transport gasoline, animals, or any other dangerous or objectionable objects, except for animals specifically trained to assist people who are blind or have other disabilities. Students who violate these or other district policies and regulations while riding in a district vehicle or at a school bus stop will be disciplined.

The bus driver is responsible for maintaining appropriate student behavior on the bus and is authorized to assign students to specific seats. The driver will report students who violate the rules to the student's principal.

If a student's transportation privileges are denied because of the student's misbehavior, the student's parent(s) or guardian(s) will be responsible for transporting the student to and from school. (Student behavior policies will be adjusted – as required by federal and state laws and regulations -- for special education students who have individualized education programs [IEPs].) Video cameras are used on some school buses, and students may be videotaped. The use of video cameras is intended to decrease student misbehavior and allow safe bus operation for students, drivers and other motorists. Students are expected to not engage in the following activities in district vehicles.

Minnesota Statute § 121A.59 states: "Transportation by school bus is a privilege, not a right, for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under the Individuals with Disabilities Education Act, United States Code, title 20, section 1400 et seq., section 504 of the Rehabilitation Act of 1973, United States Code, title 29, section 794, and the Americans with Disabilities Act, Public Law Number 101-336, are governed by these provisions."

Special Education Students: Consequences for Misbehavior

All students are expected to comply with district policies, regulations and rules on student behavior. However, for special education students the policies, regulations and rules may be adjusted as required by federal and state laws and regulations, and by the student's individualized education program (IEP).

Whenever possible, the staff will develop positive interventions to manage the behavior of special education students rather than administer a punishment.

In-School Suspension (ISS)

A special education student may receive ISS.

Days of in-school suspension will not count as days of removal for special education students as long as they are able to make progress in the general education curriculum, are able to participate with nondisabled peers, and receive the special education services and supports outlined in their IEP.

Exclusion and Expulsion

121A.43 EXCLUSION AND EXPULSION OF PUPILS WITH A DISABILITY. (a) Consistent with federal law governing days of removal and section 121A.46, school personnel may suspend a child with a disability. When a child 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, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's individualized education program. That 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) A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period. The notice requirements under section 121A.46 do not apply to a dismissal of one day or less.

(c) A child with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.

(d) Before initiating an expulsion or exclusion under sections 121A.40 to 121A.56, the district, relevant members of the child's individualized education program team, and the child's parent shall, consistent with federal law, determine whether the child's behavior was caused by or had a direct and substantial relationship to the child's disability and whether the child's conduct was a direct result of a failure to implement the child's individualized education program. When a child with a disability who has an individualized education program is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services during the exclusion or expulsion.

Involvement of Law Enforcement Officers and Crisis Teams

Law enforcement officers may not be used to perform educational interventions, including regulated procedures, either on an emergency basis or in accordance with an IEP. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary consequence.

School staff members may report a crime suspected to have been committed by a child with a disability to law enforcement and law enforcement will be allowed to exercise its responsibilities to respond to reports of criminal conduct, including the removal of a student from school grounds in appropriate circumstances. School staff members shall neither request nor interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts will be made to inform a student's parent or guardian of the involvement of law enforcement.

School staff members will not utilize a county crisis team to remove a student from school grounds except when authorized by a student's IEP or when requested by a parent, guardian or eligible student in an emergency situation.

The school district will seek to establish an agreement with the county regarding procedures to coordinate the implementation of Minnesota Statutes § 245.487 – § 245.488 for students with a serious emotional disturbance or other students who have an IEP whose behavior may be addressed by crisis intervention.

The school district will conform with state and federal law governing discipline procedures for students with disabilities, including but not limited to Minnesota Statutes § 121A.43 and 121A.67 and the IDEA implementing regulations at 34 C.F.R. § 300.530 through 300.536, and so that we do not subject students with disabilities to discrimination.

Search and Seizure

If principals and/or assistant principals have reason to believe an illegal act or violation of school rules has been committed, or is about to be committed, they are authorized to search the student and her or his personal property, or any school district property used by the student, and seize any item the possession of which is specifically prohibited by law, district policies or school rules.

Whenever feasible, the student will be present when her or his property or school property which she or he uses is being searched.

A general search of school properties, including but not limited to lockers or desks, may occur at any time, and items belonging to the school may be seized. (See below for more information regarding school lockers.)

All items seized will be given to the proper authorities or returned to the true owner.

School Lockers -- School lockers are the property of the district. At no time does the district relinquish its exclusive control of lockers provided for the convenience of students.

Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent and without a search warrant.

The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules.

As soon as practicable after the search of a student's personal possessions, school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

Process for Student Dismissal: Removal from Class, Suspension, Exclusion and Expulsion

Grounds for Dismissal

A student may be dismissed on any of the following grounds:

- Willful violation of any district policy or regulation, or school or classroom rule. Such regulations must be clear and definite to provide notice to students that they must conform their conduct to those requirements.
- Willful conduct that significantly disrupts the right of others to an education, or the ability of school personnel to perform their duties, or school-sponsored co-curricular activities; or
- Willful conduct that endangers district employees, the student or other students, surrounding persons or school property.

Removal from Class/In-School Suspension (ISS)

"Removal from class" and "removal" are defined as any actions taken by a teacher, principal or other district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five days.

"In-school suspension" is defined as any actions taken by a teacher, principal or other district employee to prohibit a student from attending more than one class and/or activity period.

"Class period" or "activity period" is defined as a block of time devoted to one subject area or activity.

A student may be removed from a class or activity period, or receive ISS after the teacher consults with and receives approval from the principal or his or her designee.

- The decision for removal or ISS will be made by the principal or his or her designee. The student will be notified verbally. The parent(s) or guardian(s) will be notified by telephone or first class U.S. mail.
- The student will be removed from class or receive ISS without an administrative conference if he or she exhibits willful defiance to teachers or other staff members or exhibits willful misconduct which endangers district employees, the student, other students or school property.
- The school retains custody of the student during the removal from class or ISS. The principal or his or her designee is responsible for the student who has been removed from class or suspended.
- Students will return to class upon completion of the removal or suspension period.

- After a student has been removed from class more than 10 times in one school year, the school shall notify and meet with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

Suspension from School/Out-of-School Suspension (OSS)

The administration may suspend a student from school when necessary. Before any OSS begins, the school administration will contact a parent or guardian of the student to be suspended.

Suspension from School for One Day or Less -- When a student is suspended from school for one day or less, the student and his or her parent or guardian shall be notified about his or her suspension at or before the suspension is to take effect except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

Suspension from School for More than One Day -- "Suspension" means an action taken by the school administration, under rules promulgated by the school board, prohibiting a student from attending school for a period of no more than 10 school days. (This definition does not apply to dismissal from school for one school day or less.)

Before out-of-school suspension begins, the school administration shall attempt to provide alternative educational services except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property

When a student is suspended for more than one day, the student shall have an informal administrative conference 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 or before the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension and provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts.

The following documents shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by U.S. mail within 48 hours of the conference:

- A written notice containing the grounds for suspension;
- A brief statement of the facts;

- A description of the testimony;
- A readmission plan;
- A copy of Minnesota Statutes § 121A.40 to § 121A.56, and
- Appropriate alternative educational services (when the suspension exceeds five 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 assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center selected to allow the student to progress toward meeting graduation requirements.)

The district shall make reasonable efforts to notify the parent(s) or guardian(s) of the suspension by telephone as soon as possible following suspension.

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 self or to surrounding persons or property, the written notice shall be served upon the student and the student's parent(s) or guardian(s) by U.S. mail within 48 hours of the conference. Service by U.S. mail is complete upon mailing. A copy will be retained by the principal.

Consecutive Suspensions -- Suspension may not be consecutively imposed against the same student for the same course of conduct or incident of misconduct except in the following circumstances:

- When the student will create an immediate and substantial danger to self or to surrounding persons or property, or
- When the district is in the process of initiating an expulsion, in which case the administration may extend the suspension up to 15 days.

A separate administrative conference is required for each period of suspension.

Notice of Right to be Reinstated -- Whenever a student fails to return to school within 10 days of the termination of dismissal, the school administrator shall inform the student and his or her parent(s) or guardian(s) by U.S. mail of the student's right to attend and to be reinstated in the public school.

Exclusion and Expulsion

Exclusion means a school board action to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year.

Expulsion means an action taken by the school board to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.

- The Board of Education is the only authority that may exclude or expel a student. No exclusion or expulsion may be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent(s) or guardian(s). A Waiver of Hearing will be used for this purpose.
- A Notice of Intended Action and Hearing will be handled by the superintendent in the following manner:
 - Be served upon the student and his or her parent(s) or guardian(s) personally or by U.S. mail;
 - Contain a complete statement of facts, a list of witnesses and a description of their testimony;
 - State the date, time and place of the hearing;
 - Be accompanied by a copy of Minnesota Statutes § 121A.40-
- § 121A.56;
 - Describe alternative educational services accorded the student
- in an attempt to avoid the expulsion proceedings, and inform the student and parent(s) or guardian(s) of the right to:
 - ... Have a representative of the student's own choosing, including legal counsel, at the hearing. (The district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education);
 - ... Examine the student's records before the hearing;
 - ... Present evidence, and
 - ... Confront and cross-examine witnesses.

Hearing -- The hearing shall be scheduled within 10 days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the Board of Education, student, or parent(s) or guardian(s).

- The Board of Education may appoint a hearing officer for exclusion or expulsion of students.

- The superintendent shall designate the site of hearings. Clerical assistance and supplies expenses shall be borne by the district.
- The hearing shall be at a time and place reasonably convenient to the student and parent(s) or guardian(s).
- The hearing shall be closed unless the student, or parent(s) or guardian(s) requests an open hearing.
- The student shall have a right to a representative of his or her own choosing, including legal counsel. If a student is financially unable to retain counsel, the board shall advise the student's parent(s) or guardian(s) of available legal assistance.
- The hearing shall take place before an independent hearing officer, a member of the Board of Education, a committee of the board or the full board, as determined by the school board.
- The hearing shall be conducted in a fair and impartial manner.
- The Board of Education shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
- Testimony shall be given under oath. The hearing officer or a member of the board shall have the power to issue subpoenas and administer oaths.
- At a reasonable time before the hearing, the student, parent(s) or guardian(s), or his or her representative shall be given access to all public school district records pertaining to the student, including any tests or reports upon which the proposed action may be based.
- The student, parent(s) or guardian(s), or his or her representative shall have the right to compel the attendance of any official employee or agent of the district or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and cross-examine any witness testifying for the district.
- The student, parent(s) or guardian(s), or his or her representative shall have the right to present evidence and testimony, including expert psychological or educational testimony.
- The student cannot be compelled to testify in the dismissal proceedings.
- A copy of the hearing record will be made available to the student or his or her parent(s) or guardian(s) or representative in transcript form as determined by the Board of Education upon request and without charge.
- The recommendation of the hearing officer or board member or committee shall be based solely on substantial evidence presented at the hearing, and must be made to the board and served upon the parties within two days of the end of the hearing.

- The school board shall base its decision upon the recommendation of the hearing officer or board member or committee, and shall render its decision at a special meeting within five days after receiving the recommendation.
- The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations 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 Minnesota Commissioner of Education of the basis and reason for the decision.

Appeal -- A party to an exclusion or expulsion decision made under Minnesota Statutes § 121A.40 to § 121A.56 may appeal the decision to the Minnesota Commissioner of Education within 21 calendar days of school board action.

- Upon being served with a notice of appeal, the district shall provide the commissioner and the parent(s) or guardian(s) with a complete copy of the hearing record within five days.
- All written submissions by the appellant must be submitted and served on the respondent within 10 days of its actual receipt of the transcript.
- All written submissions by the respondent must be submitted and served on the appellant within 10 days of its actual receipt of the written submissions of the appellant.
- In accordance with state law, the decision of the school board will be implemented during the appeal to the commissioner.
- In an appeal under this section, the commissioner may affirm the decision of the agency, may remand the decision for additional findings, or may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions or decisions are:
 - In violation of constitutional provisions;
 - In excess of the statutory authority or jurisdiction of the school district;
 - Made upon unlawful procedure, except as provided in Minnesota Statute § 121A.48;
 - Affected by other error of law;
 - Unsupported by substantial evidence in view of the entire record submitted, or
 - Arbitrary or capricious.

The commissioner or his or her representative shall make a final decision based upon the record of evidence. The commissioner shall issue a

decision within 30 calendar days of receiving the entire record and the parties' written submission on appeal. The commissioner's decision shall be final and binding upon the parties after the time for appeal expires under Minnesota Statute § 121A.50.

Judicial Review -- The decision of the Minnesota Commissioner of Education made under Minnesota Statutes § 121A.40 to § 121A.56 is subject to judicial review under Minnesota Statutes § 14.63 to § 14.69. The decision of the commissioner is stayed pending an appeal under this section.

Reports to Service Agency -- The school board shall report any action taken pursuant to Minnesota Statutes § 121A.40 to § 121A.56 to the appropriate public service agency, when the student is under the supervision of such agency.

Report to Minnesota Commissioner of Education -- The school board shall report such exclusion or expulsion within 30 days of the effective date of the action to the Commissioner of Education.

- This report shall 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 school board must include state student identification numbers of affected students on all dismissal reports required by the Department of Education.

Notice of Right to Be Reinstated -- Whenever a student fails to return to school within 10 school days of the termination of dismissal, a school administrator shall inform the student and the student's parent(s) or guardian(s) by U.S. mail of the student's right to attend and to be reinstated in the public school.