

Student Discipline Policy

Adopted: June 7, 2005

Revised: 12/17/2013 –Language specific to IEPs in this color

1 Adapted from MSBA/MASA Model Policy 506 (Orig. 1995, Rev. 2005)

2 **Purpose**

3 The purpose of this policy is to ensure that students are aware of and comply with Minnesota Online
4 High School's (Minnesota School District #4150-07) expectations for student conduct. Such compliance
5 will enhance the school's ability to maintain discipline and ensure that there is no interference with the
6 educational process. Minnesota Online High School (MNOHS) will take appropriate disciplinary action
7 when students fail to adhere to the Code of Student Conduct established by this policy.

8 **Policy**

9 The MNOHS Governing Board recognizes that individual responsibility and mutual respect are essential
10 components of the educational process. The Board further recognizes that nurturing the maturity of each
11 student is of primary importance and is closely linked with the balance that must be maintained between
12 authority and self-discipline as the individual progresses from a child's dependence on authority to the
13 more mature behavior of self-control.

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

18 Students must conduct themselves in an appropriate manner that maintains a climate in which learning
19 can take place. Overall decorum affects student attitudes and influences student behavior. Proper student
20 conduct is necessary to facilitate the education process and to create an atmosphere conducive to high
21 student achievement.

22 Although this policy emphasizes the development of self-discipline, it is recognized that there are
23 instances when it will be necessary to administer disciplinary measures. It is the position of Minnesota
24 Online High School that a fair and equitable student discipline policy will contribute to the quality of the
25 student's educational experience. This discipline policy is adopted in accordance with and subject to the
26 Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

27

28 In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the MNOHS Governing Board,
29 with the participation of the MNOHS Management Team, teachers, employees, students, parents,
30 community members, and such other individuals and organizations as appropriate, has developed this
31 policy which governs student conduct and applies to all MNOHS students.

32 **Areas of Responsibility**

33 A. The MNOHS Governing Board. The MNOHS Board holds all school personnel responsible for
34 the maintenance of order within MNOHS and supports all personnel acting within the framework of this
35 discipline policy.

36 B. MNOHS Management Team. The executive director shall establish guidelines and directives to
37 carry out this policy, hold all school personnel, students and parents responsible for conforming to this
38 policy, and support all school personnel performing their duties within the framework of this policy. The
39 executive director shall also establish guidelines and directives for using the services of appropriate
40 agencies for assisting students and parents. Any guidelines or directives established to implement this
41 policy shall be submitted to the school board for approval and shall be attached as an addendum to this
42 policy.

43 The executive director is also given the responsibility and authority to formulate rules and
44 regulations necessary to enforce this policy, at all physical and virtual school locations, subject to final
45 Governing Board approval. The executive director shall give direction and support to all school
46 personnel performing their duties within the framework of this policy. The executive director shall
47 consult with parents of students conducting themselves in a manner contrary to the policy. The executive
48 director shall also involve other professional employees in the disposition of behavior referrals and shall
49 make use of those agencies appropriate for assisting students and parents. A MNOHS Director, in
50 exercising his or her lawful authority, may use reasonable force when it is necessary under the
51 circumstances to correct or restrain a student or prevent bodily harm or death to another.

52 C. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning
53 environment and shall have primary responsibility for student conduct, with appropriate assistance from
54 the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's
55 lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to
56 correct or restrain a student or prevent bodily harm or death to another.

57 D. Other MNOHS Personnel. All MNOHS personnel shall be responsible for contributing to the
58 atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall
59 be as authorized and directed by the Executive Director. A school employee, school bus driver, or other
60 agent of MNOHS, in exercising his or her lawful authority, may use reasonable force when it is necessary
61 under the circumstances to restrain a student or prevent bodily harm or death to another.

62 E. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of
63 their children as determined by law and community practice. They are expected to cooperate with school
64 authorities and to participate regarding the behavior of their children.

65 F. Students. All students shall be held individually responsible for their behavior and for knowing
66 and obeying the Code of Student Conduct and this policy.

67 G. Community Members. Members of the community are expected to contribute to the
68 establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

69 **Student Rights**

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

71 **Student Responsibilities**

72 All students have the responsibility:

73 A. For their behavior and for knowing and obeying all school rules, regulations, policies and
74 procedures;

75 B. To attend school daily, except when excused, and consistently participate in all classes and other
76 school functions;

77 C. To pursue and attempt to complete the courses of study prescribed by the state and local school
78 authorities;

79 D. To make necessary arrangements for making up work when unable to attend or participate;

80 E. To assist the school staff in maintaining a safe school for all students;

81 F. To be aware of all school rules, regulations, policies and procedures, including those in this
82 policy, and to conduct themselves in accord with them;

83 G. To assume that until a rule or policy is waived, altered or repealed, it is in full force and effect;

84 H. To be aware of and comply with federal, state and local laws.

85 I. To volunteer information in disciplinary cases should they have any knowledge relating to such
86 cases and to cooperate with school staff as appropriate;

87 J. To respect and maintain the school's property and the property of others;

88 K. To dress and groom in a manner which meets standards of safety and health and common
89 standards of decency and which is consistent with applicable MNOHS policy when attending physical
90 school locations or when sharing images of one's self in virtual school locations.

91 L. To avoid inaccuracies in student newspapers, publications, discussion groups, webinar meetings,
92 chat rooms and all other online forums, and refrain from indecent or obscene language;

93 M. To conduct themselves in an appropriate manner, physically, verbally, and graphically; and

94 N. To recognize and respect the rights of others.

95

96 Code of Student Conduct

97 A. The following are examples of unacceptable behavior subject to disciplinary action by MNOHS.
98 These examples are not intended to be an exclusive list. Any student who engages in any of these
99 activities shall be disciplined in accordance with this policy. This policy applies to all school web sites
100 and online forums, databases, buildings, school grounds, and school property; school-sponsored activities
101 or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles
102 approved for MNOHS purposes; the area of entrance or departure from school premises or events; and all
103 school-related functions. This policy also applies to any student whose conduct at any time or in any
104 place interferes with or obstructs the mission or operations of MNOHS or the safety or welfare of the
105 student, other students, or employees.

- 106 1. Violations against property including, but not limited to, damage to or destruction of
107 school property or the property of others, failure to compensate for damage or destruction
108 of such property, arson, breaking and entering, theft, robbery, possession of stolen
109 property, extortion, trespassing, vandalism, or unauthorized usage—including technology-
110 based violations against virtual school locations such as web sites and databases;
- 111 2. The use of profanity or obscene language, or the possession displaying of obscene
112 materials;
- 113 3. Gambling, including, but not limited to, playing a game of chance for stakes;
- 114 4. Hazing or bullying;
- 115 5. Attendance problems including, but not limited to, truancy, absenteeism, or skipping
116 classes;
- 117 6. Opposition to authority using physical force or violence;
- 118 7. Using, possessing, or distributing tobacco or tobacco paraphernalia;
- 119 8. Using, possessing, distributing, or being under the influence of alcohol or other
120 intoxicating substances or look-alike substances;
- 121 9. Using, possessing, distributing, or being under the influence of narcotics, drugs, or other
122 controlled substances, or look-alike substances, except as prescribed by a physician,
123 including one student sharing prescription medication with another student;
- 124 10. Using, possessing, or distributing items or articles that are illegal or harmful to persons or
125 property including, but not limited to, drug paraphernalia;
- 126 11. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous
127 objects;
- 128 12. Violation of the MNOHS Weapons Policy;

- 129 13. Possession of ammunition including, but not limited to, bullets or other projectiles
130 designed to be used in or as a weapon;
- 131 14. Possession, use, or distribution of explosives or any compound or mixture, the primary or
132 common purpose or intended use of which is to function as an explosive;
- 133 15. Possession, use, or distribution of fireworks or any substance or combination of
134 substances or article prepared for the purpose of producing a visible or an audible effect
135 by combustion, explosion, deflagration or detonation;
- 136 16. Using an ignition device, including a butane or disposable lighter or matches, inside an
137 educational building and under circumstances where there is a risk of fire, except where
138 the device is used in a manner authorized by the school;
- 139 17. Violation of any local, state or federal law as appropriate;
- 140 18. Acts disruptive of the educational process, including, but not limited to, disobedience,
141 disruptive or disrespectful behavior, defiance of authority, cheating, insolence,
142 insubordination, failure to identify oneself, improper activation of fire alarms, or bomb
143 threats;
- 144 19. Possession of nuisance devices or objects which cause distractions and may facilitate
145 cheating including, but not limited to, pagers, radios, and phones, including picture
146 phones;
- 147 20. Computer hacking to disrupt school operations or course materials or to access or alter
148 student records or information protected under Minnesota data privacy laws.
- 149 21. Violation of the MNOHS Appropriate Use Policy.
- 150 22. Violation of school bus or transportation rules or the school bus safety policy.
- 151 23. Violation of parking or school traffic rules and regulations, including, but not limited to,
152 driving on school property in such a manner as to endanger persons or property;
- 153 24. Giving unauthorized persons access to your school account or accessing accounts without
154 proper authorization;
- 155 25. Possession or distribution of slanderous, libelous or pornographic materials at all school
156 locations, physical and virtual;
- 157 26. Student attire or personal grooming which creates a danger to health or safety or creates a
158 disruption to the educational process, including clothing which bears a message which is
159 lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use
160 by minors, or clothing containing objectionable emblems, signs, words, objects, or
161 pictures communicating a message that is racist, sexist, or otherwise derogatory to a
162 protected minority group or which connotes gang membership—when attending physical
163 school locations or when sharing images of one's self in virtual school locations;

- 164 27. Criminal activity;
- 165 28. Falsification of any records, documents, notes or signatures;
- 166 29. Tampering with, changing, or altering MNOHS records or documents or course related
167 materials by any method including, but not limited to, computer access or other electronic
168 means;
- 169 30. Scholastic dishonesty which includes, but is not limited to, cheating on a school
170 assignment or test, plagiarism, or collusion, including the use of picture phones or other
171 technology to accomplish this end;
- 172 31. Impertinent or disrespectful language, written or oral, toward teachers or other MNOHS
173 personnel;
- 174 32. Sexual and/or racial abuse and/or harassment;
- 175 33. Misrepresentation of qualifications for enrollment, including but not limited to age or
176 place of residence during the period of enrollment.
- 177 34. Actions, including fighting or any other assaultive behavior, which causes or could cause
178 injury to the student or other persons or which otherwise endangers the health, safety, or
179 welfare of teachers, students, other MNOHS personnel, or other persons;
- 180 35. Committing an act which inflicts great bodily harm upon another person, even though
181 accidental or a result of poor judgment;
- 182 36. Violations against persons, including, but not limited to, assault or threatened assault,
183 fighting, harassment, interference or obstruction, attack with a weapon, or look-alike
184 weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
- 185 37. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of
186 language or graphic images that is discriminatory, abusive, obscene, threatening,
187 intimidating or that degrades other people;
- 188 38. Physical, verbal threats including, but not limited to, the staging or reporting of dangerous
189 or hazardous situations that do not exist
- 190 39. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed,
191 religion, sex, marital status, status with regard to public assistance, disability, national
192 origin or sexual orientation:
- 193 40. Violation of MNOHS rules, regulations, policies, or procedures;
- 194 41. Other acts, as determined by MNOHS, which are disruptive of the educational process or
195 dangerous or detrimental to the student or other students, MNOHS personnel or
196 surrounding persons, or which violate the rights of others or which damage or endanger
197 the property of the school, or which otherwise interferes with or obstruct the mission or
198 operations of MNOHS or the safety or welfare of students or employees.

199

200 **Disciplinary Action Options**

201 It is the general policy of MNOHS to utilize progressive discipline to the extent reasonable and
202 appropriate based upon the specific facts and circumstances of student misconduct. The specific form of
203 discipline chosen in a particular case is solely within the discretion of MNOHS. At a minimum, violation
204 of MNOHS regulations, policies or procedures will result in discussion of the violation and a verbal
205 warning. MNOHS shall, however, impose more severe disciplinary sanctions for any violation, including
206 exclusion or expulsion, if warranted by the student's misconduct, as determined by Management Team.
207 Disciplinary action may include, but is not limited to, one or more of the following:

208 A. Student conference with teacher, a MNOHS Director, counselor or other MNOHS personnel, and
209 verbal or written warning; this conference may be an in person conference or via some other media –
210 phone, text chat, virtual conference room, etc.

211 B. Parent contact;

212 C. Parent conference with teacher, a MNOHS Director, counselor or other MNOHS personnel, and
213 verbal or written warning; this conference may be an in person conference or via some other media –
214 phone, text chat, virtual conference room, etc.

215 D. Removal from class;

216 E. In-school suspension or removal from one or more courses;

217 F. Suspension from extracurricular activities;

218 G. Restriction of privileges;

219 H. Loss of school privileges;

220 I. In-school monitoring or revised class schedule;

221 J. Referral to in-school support services;

222 K. Referral to community resources or outside agency services;

223 L. Financial restitution;

224 M. Referral to police, other law enforcement agencies, or other appropriate authorities;

225 N. A request for a petition to be filed in district court for juvenile delinquency adjudication;

226 O. Out-of-school suspension under the Pupil Fair Dismissal Act;

227 P. Preparation of an admission or readmission plan;

228 Q. In-person assessment at the MNOHS office;

- 229 R. Work in the computer lab under supervision;
- 230 S. Negotiate and agree to follow an Individual Learning Plan or Contract;
- 231 T. Expulsion under the Pupil Fair Dismissal Act;
- 232 U. Exclusion under the Pupil Fair Dismissal Act; and/or
- 233 V. Other disciplinary action as deemed appropriate by MNOHS.

234

235 **Removal of Students from Class**

236 A. Teachers have the responsibility of attempting to modify disruptive student behavior by such
237 means as conferring with the student, using positive reinforcement, restricting privileges or other
238 consequences, or contacting the student’s parents. When such measures fail, or when the teacher
239 determines it is otherwise appropriate based upon the student’s conduct, the teacher shall have the
240 authority to remove the student from class pursuant to the procedures established by this discipline
241 policy. “Removal from class” and “removal” mean any actions taken by a teacher, Director, or other
242 MNOHS employee to prohibit a student from attending a class or activity period for a period of time not
243 to exceed five (5) days, pursuant to this discipline policy.

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

- 245 1. Willful conduct that significantly disrupts the rights of others to an education, including
246 conduct that interferes with a teacher’s ability to teach or communicate effectively with
247 students in a class or with the ability of other students to learn;
- 248 2. Willful conduct that endangers surrounding persons, including MNOHS employees, the
249 student or other students, or the property of the school;
- 250 3. Willful violation of any school rules, regulations, policies or procedures, including the
251 Code of Student Conduct in this policy; or
- 252 4. Other conduct, which in the discretion of the teacher or administration requires removal of
253 the student from class.

254 Such removal shall be for at least one (1) 24-hour period for a given course of study and shall not
255 exceed five (5) such periods.

256 B. If a student is removed from class more than ten (10) times in a school year, MNOHS shall notify
257 the parent or guardian of the student’s tenth removal from class and make reasonable attempts to convene
258 a meeting with the student’s parent or guardian to discuss the problem that is causing the student to be
259 removed from class.

260

261 C. Procedures for Removal of a Student From a Class.

262 1. If a teacher, executive director, or other MNOHS employee removes a student from a
263 course for one or more class periods (instructional days), he or she must notify the student
264 by e-mail about: 1) the reason for the removal, 2) the date and time that the student will be
265 able to reenter the course, and 3) any required readmission procedures. The teacher
266 should also clarify that this removal affects only one of the student's courses and that he or
267 she is able and expected to attend all other courses.

268 2. No pre-approvals to remove a student from a class session are necessary, but the executive
269 director must be notified immediately.

270 3. The teacher must copy the executive director and the MNOHS counselor on the e-mail
271 message sent to the student, and must post a Behavior Report in Infinite Campus and a
272 summary in the Infinite Campus contact log. The teacher may also, at his or her
273 discretion, copy the student's parent or guardian on the same message.

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

275 1. When removed from a virtual class, students will be reminded that this removal affects
276 only one of the student's courses and that he or she is able and expected to attend all other
277 courses.

278 2. A student removed from a virtual class is free to login to all other courses in the learning
279 management system.

280 3. Students can and should work on their other MNOHS courses while removed from a
281 specific course.

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

283 1. A teacher may allow a student's return to a course with no action other than the passing of
284 a 24-hour time period.

285 F. Procedures for Notification.

286 1. As described in section C 1 above (Procedures for Removal of a Student From a Class), all
287 removals require written notification.

288 G. Disabled Students; Special Provisions.

289 1. Procedures for consideration of whether there is a need for further assessment; **If a student**
290 **with an IEP is removed from a virtual class, the teacher will necessarily copy the parent**
291 **and also the Special Education teacher on the original e-mail message. The Special**

292 Education teacher will consult with the course teacher and parent and will make a
293 determination about whether there is a need for further assessment.

- 294 2. Procedures for consideration of whether there is a need for a review of the adequacy of the
295 current Individual Education Plan (IEP) of a disabled student who is removed from class
296 or disciplined; If a student with an IEP is removed from a virtual class, the teacher will
297 necessarily copy the parent and also the special education teacher on the original e-mail
298 message. The special education teacher will consult with the course teacher and parent
299 and will make a determination about whether there is a need for a review of the adequacy
300 of the current IEP.

- 301 3. Procedures determined appropriate for referring students in need of special education
302 services to those services. Students removed from a virtual class will be referred to the
303 counselor and special education teacher if disability or mental illness is suspected.

304 Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School
305 Premises

- 306 1. The MNOHS chemical abuse pre-assessment team consists of the MNOHS School
307 Counselor and at least one MNOHS teacher.
- 308 2. The MNOHS school and community advisory team to address chemical abuse problems
309 consists of the members of the pre-assessment team and a school director, plus community
310 health specialists, and representatives from social services and law enforcement agencies.
- 311 3. If a teacher is concerned about potential chemical abuse issues on the part of a student she
312 or he will send a written report to the pre-assessment team detailing the student's name and
313 the cause for concern (including details, what was said or observed and in what context,
314 etc.). He or she will also summarize this report in the Infinite Campus contact log.

315 I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of
316 Student Conduct: Teachers and other MNOHS employees will intervene immediately when they observe
317 students violating the Code of Student Conduct. Short of removal from a class, appropriate interventions
318 include speaking with the student in person, on the phone, or through other synchronous forms of
319 communication; writing to the student in a discussion group or by e-mail; and speaking to or writing the
320 parent or guardian.

321 J. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or
322 Guardians in Attempts to Improve a Student's Behavior: Depending on the student's age and the nature of
323 a conduct code violation, a teacher or other MNOHS employee may or may not be required to involve
324 parents or guardians in attempts to improve a student's behavior. If a student is not attending or not
325 participating in one or more classes, or is exhibiting other behavioral problems, or is violating the student
326 code of conduct in any way as delineated in this document, a teacher or other MNOHS employee will
327 involve the parent after one unsuccessful attempt to correct the problem only with the student—provided

328 the student is under 18 or has given MNOHS permission to communicate with the parent/guardian. If a
329 student is over 18 and has not given permission, no MNOHS employee will contact that student's parent.

330 K. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral
331 Problems: If a teacher becomes increasingly concerned about the potential for behavioral problems on the
332 part of a student, and one or more attempts to improve the behavior have been unsuccessful, she or he
333 will send a written report to the executive director or the MNOHS school counselor detailing the student's
334 name and the cause for concern (including details, what was said or observed and in what context, etc.).
335 He or she will also summarize this report in the Infinite Campus contact log. The executive director or
336 school counselor may first communicate with the student directly. If there is no improvement in the
337 student's behavior, the counselor will follow procedures for contacting parents of minors, as described in
338 Part J above.

339 **Dismissal**

340 A. "Dismissal" means the denial of the current educational program to any student, including
341 exclusion, expulsion and suspension. Dismissal does not include removal from class.

342 MNOHS shall not deny due process or equal protection of the law to any student involved in a dismissal
343 proceeding which may result in suspension, exclusion or expulsion.

344 MNOHS shall not dismiss any student without attempting to provide alternative educational services
345 before dismissal proceedings, except where it appears that the student will create an immediate and
346 substantial danger to self or to surrounding persons or MNOHS property.

347 B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to
348 expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

349 1. Willful violation of any reasonable MNOHS Governing Board regulation, including those
350 found in this policy;

351 2. Willful conduct that significantly disrupts the rights of others to an education, or the
352 ability of MNOHS personnel to perform their duties, or MNOHS-sponsored
353 extracurricular activities; or

354 3. Willful conduct that endangers the student or other students, or surrounding persons,
355 including MNOHS employees, or MNOHS property, physical or virtual.

356 C. Suspension Procedures

357 1. "Suspension" means an action by the MNOHS administration, under rules promulgated by
358 the MNOHS governing board, prohibiting a student from attending school for a period of
359 no more than ten (10) school days; provided, however, if a suspension is longer than five
360 (5) school days, the Management Team must have on file (in the student's Infinite Campus
361 record) a written reason for the longer term of suspension. This definition does not apply

362 to dismissal for one (1) school day or less, except as may be provided in federal law for a
363 student with a disability.

364 2. If a student's total days of removal from school exceed ten (10) cumulative days in a
365 school year, MNOHS shall make reasonable attempts to convene a meeting with the
366 student and the student's parent or guardian before subsequently removing the student
367 from school and, with the permission of the parent or guardian, arrange for a mental health
368 screening for the student at the parent or guardian's expense. The purpose of this meeting
369 is to attempt to determine the pupil's need for assessment or other services or whether the
370 parent or guardian should have the student assessed or diagnosed to determine whether the
371 student needs treatment for a mental health disorder.

372 3. Each suspension action may include a readmission plan. The plan shall include, where
373 appropriate, a provision for implementing alternative educational services upon
374 readmission which must not be used to extend the current suspension. A readmission plan
375 must not obligate a parent or guardian to provide psychotropic drugs to their student as a
376 condition of readmission. School administration must not use the refusal of a parent or
377 guardian to consent to the administration of psychotropic drugs to their student or to
378 consent to a psychiatric evaluation, screening, or examination of the student as a ground,
379 by itself, to prohibit the student from attending class or participating in a school-related
380 activity, or as a basis of a charge of child abuse, child neglect, or medical or educational
381 neglect. The school administration may not impose consecutive suspensions against the
382 same student for the same course of conduct, or incident of misconduct, except where the
383 student will create an immediate and substantial danger to self or to surrounding persons
384 or property or where MNOHS is in the process of initiating an expulsion, in which case
385 the school administration may extend the suspension to a total of fifteen (15) days.

386 4. In the case of a student with a disability, the student's individual education plan team shall
387 meet immediately but not more than ten (10) school days after the date on which the
388 decision to remove the student from the student's current education placement is made.
389 The individual education plan team shall, at the meeting, conduct a review of the
390 relationship between the child's disability and the behavior subject to disciplinary action,
391 and determine the appropriateness of the child's education plan.

392 The requirements of the individual education plan team meeting apply when: (1) the
393 parent requests a meeting; (2) the student is removed from the student's current placement
394 for five (5) or more consecutive days; or (3) the student's total days of removal from the
395 student's placement during the school year exceed ten (10) cumulative days in a school
396 year. The school administration shall implement alternative educational services when the
397 suspension exceeds five (5) days. A separate administrative conference shall be
398 conducted for each period of suspension.

- 399 5. The school administration shall implement alternative educational services when the
400 suspension exceeds five (5) days. Alternative educational services may include, but are
401 not limited to, special tutoring, modified schedule, modified curriculum, modified
402 instruction, other modifications or adaptations, instruction through electronic media,
403 special education services as indicated by appropriate assessments, homebound
404 instruction, supervised homework, or enrollment in another district or in an alternative
405 learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward
406 meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
- 407 6. The school administration shall not suspend a student from school without an informal
408 administrative conference with the student. The informal administrative conference shall
409 take place before the suspension, except where it appears that the student will create an
410 immediate and substantial danger to self or to surrounding persons or property, in which
411 case the conference shall take place as soon as practicable following the suspension. At
412 the informal administrative conference, a school administrator shall notify the student of
413 the grounds for the suspension, provide an explanation of the evidence the authorities
414 have, and the student may present the student’s version of the facts. A separate
415 administrative conference is required for each period of suspension.
- 416 7. After school administration notifies a student of the grounds for suspension, school
417 administration may, instead of imposing the suspension, do one or more of the following:
- 418 a. request a face to face meeting or assessment with the student, an accompanying
419 parent or legal guardian, and MNOHS personnel;
 - 420 b. petition the juvenile court that the student is in need of services under Minn. Stat.
421 Ch. 260C.
- 422 8. A written notice containing the grounds for suspension, a brief statement of the facts, a
423 description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair
424 Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be sent by e-mail followed by a
425 certified letter to the student and to the student’s parent or guardian at or before the time
426 the suspension is to take effect, within forty-eight (48) hours of the conference. (See
427 attached sample Notice of Suspension.)
- 428 9. The school administration shall make reasonable efforts to notify the student’s parent or
429 guardian of the suspension by telephone as soon as possible following suspension.
- 430 10. In the event a student is suspended without an informal administrative conference on the
431 grounds that the student will create an immediate and substantial danger to surrounding
432 persons or property, the written notice shall be e-mailed and mailed to the student and the
433 student’s parent or guardian within forty-eight (48) hours of the suspension. Service by
434 mail shall be complete upon mailing.

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

438 D. Expulsion and Exclusion Procedures

439 1. "Expulsion" means a MNOHS governing board action to prohibit an enrolled student from
440 further attendance for up to twelve (12) months from the date the student is expelled. The
441 authority to expel rests with the Board.

442 2. "Exclusion" means an action taken by the MNOHS governing board to prevent enrollment
443 or re-enrollment of a student for a period that shall not extend beyond the school year.
444 The authority to exclude rests with the Board.

445 3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with
446 the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-
447 121A.56.

448 4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing
449 is waived in writing by the student and parent or guardian.

450 5. The student and parent or guardian shall be provided written notice of MNOHS's intent to
451 initiate expulsion or exclusion proceedings. This notice shall be served upon the student
452 and his or her parent or guardian personally or by mail, and shall contain a complete
453 statement of the facts; a list of the witnesses and a description of their testimony; state the
454 date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal
455 Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded
456 the student in an attempt to avoid the expulsion proceedings; and inform the student and
457 parent or guardian of their right to: (1) have a representative of the student's own
458 choosing, including legal counsel at the hearing; (2) examine the student's records before
459 the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. MNOHS
460 shall advise the student's parent or guardian that free or low-cost legal assistance may be
461 available and that a legal assistance resource list is available from the Minnesota
462 Department of Education (MDE).

463 6. The hearing shall be scheduled within ten (10) days of the service of the written notice
464 unless an extension, not to exceed five (5) days, is requested for good cause by MNOHS,
465 the student, parent or guardian.

466 7. All hearings shall be held at a time and place reasonably convenient to the student, parent
467 or guardian and shall be closed, unless the student, parent or guardian requests an open
468 hearing.

- 469 8. MNOHS shall record the hearing proceedings at MNOHS expense, and a party may obtain
470 a transcript at its own expense.
- 471 9. The student shall have a right to a representative of the student's own choosing, including
472 legal counsel, at the student's sole expense. MNOHS shall advise the student's parent or
473 guardian that free or low-cost legal assistance may be available and that a legal assistance
474 resource list is available from MDE. The MNOHS Governing Board may appoint an
475 attorney to represent MNOHS in any proceeding.
- 476 10. If the student designates a representative other than the parent or guardian, the
477 representative must have a written authorization from the student and the parent or
478 guardian providing them with access to and/or copies of the student's records.
- 479 11. All expulsion or exclusion hearings shall take place before and be conducted by an
480 independent hearing officer designated by MNOHS. The hearing shall be conducted in a
481 fair and impartial manner. Testimony shall be given under oath and the hearing officer
482 shall have the power to issue subpoenas and administer oaths.
- 483 12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized
484 representative shall be given access to all MNOHS records pertaining to the student,
485 including any tests or reports upon which the proposed dismissal action may be based.
- 486 13. The student, parent or guardian, or authorized representative, shall have the right to
487 compel the presence of any MNOHS employee or agent or any other person who may
488 have evidence upon which the proposed dismissal action may be based, and to confront
489 and cross-examine any witnesses testifying for MNOHS.
- 490 14. The student, parent or guardian, or authorized representative, shall have the right to
491 present evidence and testimony, including expert psychological or educational testimony.
- 492 15. The student cannot be compelled to testify in the dismissal proceedings.
- 493 16. The hearing officer shall prepare findings and a recommendation based solely upon
494 substantial evidence presented at the hearing, which must be made to the MNOHS
495 Governing Board and served upon the parties within two (2) days after the close of the
496 hearing.
- 497 17. The MNOHS Governing Board shall base its decision upon the findings and
498 recommendation of the hearing officer and shall render its decision at a meeting held
499 within five (5) days after receiving the findings and recommendation. The MNOHS
500 Governing Board may provide the parties with the opportunity to present exceptions and
501 comments to the hearing officer's findings and recommendation provided that neither
502 party presents any evidence not admitted at the hearing. The decision by the MNOHS
503 Governing Board must be based on the record, must be in writing, and must state the

controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.

18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. MNOHS shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. MNOHS must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in MNOHS.

Admission or Readmission Plan

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

Notification of Policy Violations

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, MNOHS Director or other MNOHS employee may provide additional notification as deemed appropriate.

Student Discipline Records

It is the policy of MNOHS that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with

538 applicable MNOHS policies and federal and state law, including the Minnesota Government Data
539 Practices Act, Minn. Stat. Ch. 13.

540

541 **Disabled Students**

542 Students who are currently identified as eligible under the IDEA or Section 504 will be subject to the
543 provisions of this policy, unless the student’s IEP or 504 plan specifies a necessary modification.

544 Where a student is dismissed for five (5) or more consecutive days, or has accumulated more than ten
545 (10) days of dismissal over the course of the school year, MNOHS will convene a meeting to determine
546 whether the student’s educational program is appropriate and to review all relevant information in order
547 to determine whether the behavior subject to discipline is a manifestation of the student’s disability.
548 Such a meeting must be held within ten (10) school days of MNOHS's decision to remove the student
549 from his or her current educational placement and must be held before commencing an expulsion or
550 exclusion of the student. If the student’s educational program is appropriate and the behavior is not a
551 manifestation of the student’s disability, MNOHS will proceed with discipline – up to and including
552 expulsion – as if the student did not have a disability, unless the student’s educational program provides
553 otherwise. If the team determines that the behavior subject to discipline is a manifestation of the
554 student’s disability, the team shall conduct a functional behavioral assessment and implement a
555 behavioral intervention plan for such student provided that MNOHS had not conducted such assessment
556 prior to the manifestation determination before the behavior that resulted in a change of placement.
557 Where a behavioral intervention plan previously has been developed, the team will review the behavioral
558 intervention plan and modify it as necessary to address the behavior. If the student was placed in a 45-
559 day interim alternative educational setting pending the manifestation determination, the student will be
560 returned to the placement from which the student was removed unless the student and MNOHS agree to a
561 change of placement as part of the modification of the behavioral intervention plan.

562 When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the
563 student’s disability, MNOHS shall continue to provide special education and related services during the
564 period of expulsion or exclusion.

565 **Open Enrolled Students**

566 MNOHS may terminate the enrollment of a nonresident student enrolled under an Enrollment Option
567 Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the
568 end of a school year if the student meets the definition of a habitual truant, the student has been provided
569 appropriate services for truancy (Minn. Stat. Ch. 260A), and the student’s case has been referred to
570 juvenile court. MNOHS may also terminate the enrollment of a nonresident student over the age of
571 sixteen (16) enrolled under an Enrollment Options Program if the student is absent without lawful excuse
572 for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

573 **Distribution of Policy**

574 MNOHS will notify students and parents of the existence and contents of this policy in such manner as it
575 deems appropriate. Copies of this discipline policy shall be made available to all students and parents at
576 the commencement of each school year and to all new students and parents upon enrollment. This policy
577 shall also be available upon request at the MNOHS office and on the MNOHS web site.

578 **Review of Policy**

579 This policy shall be reviewed annually.

580

- 581 **Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- 582 Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
- 583 Minn. Stat. § 120B.232 (Character Development Education)
- 584 Minn. Stat. § 121A.26 (School Preassessment Teams)
- 585 Minn. Stat. § 121A.27 (School and Community Advisory Team)
- 586 Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
- 587 Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
- 588 Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
- 589 Minn. Stat. § 121A.582 (Reasonable Force)
- 590 Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)
- 591 Minn. Stat. § 123A.05 (Area Learning Center Organization)
- 592 Minn. Stat. § 124D.03 (Enrollment Options Program)
- 593 Minn. Stat. § 124D.08 (Enrollment in Nonresident District)
- 594 Minn. Stat. Ch.125A (Students With Disabilities)
- 595 Minn. Stat. Ch. 260A (Truancy)
- 596 Minn. Stat. Ch. 260C (Juvenile Court Act) 20 U.S.C. §§ 1400-1487 (Individuals
- 597 with Disabilities Education Improvement Act of 2004)
- 598 29 U.S.C. § 794 et seq. (Rehabilitation Act of 1973, § 504)

599

600 **Cross References:** MSBA/MASA Model Policy 413 (Harassment and Violence)

601 MSBA/MASA Model Policy 501 (School Weapons)

602 MSBA/MASA Model Policy 503 (Student Attendance)

603 MSBA/MASA Model Policy 504 (Student Dress and Appearance)

604 MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials
605 on School Premises by Students and Employees)

606 MSBA/MASA Model Policy 526 (Student Hazing Prohibition)

607 MSBA/MASA Model Policy 610 (Field Trips)