Student Rights and Responsibilities

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## About This Handbook

This Student Rights and Responsibilities handbook outlines student behavior expectations that we believe can help ensure the safe school environment students deserve and which allows them to learn and grow.

This document is 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 Principal or the Director of Special Services. For information regarding consequences for violations affecting sports, clubs or activities, please contact the AHS Activities Office.

Please review this information together with your student so you both clearly understand the rules of acceptable behavior and the consequences if rules are not followed.

Austin Public Schools are committed to working in partnership with you to make our schools a place in which you and your student feel safe, welcomed and valued.
Student Rights

The District 492 School Board recognizes that students are entitled to the 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.

District 492 will 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 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 492 is committed to maintaining an education and employment environment that is free from hazing, harassment, and violence, on the basis 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.

It is a violation of this policy for any District 492 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 492 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, or age upon any employee, student, visitor or other person.

It is a violation of this policy for any District 492 personnel or student to plan, direct, encourage, aid or engage in hazing.

The District will act to investigate all complaints, either formal or informal, verbal or written, of sexual, racial, religious, color, creed, national origin, marital status, disability, status with regard to public assistance, age harassment or violence, or hazing. District 492 will take appropriate action against any student, employee, or other District personnel who is found to have violated this policy. District 492 has written procedures for reporting and investigating all complaints as noted above. District 492 communicates these procedures to District personnel and students via the Internet and in writing.

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
(See School Board Policy #413)

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 that 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. Nothing in this policy shall prohibit District 492 from taking immediate action to protect victims of alleged sexual abuse.

Harassment and Violence
(See School Board Policy #413)

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.

Hazing
(See School Board Policy #526)

Hazing means committing a willful 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 including classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition. The term hazing includes, but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.

District prohibitions against hazing apply to any and all of the participants. No student, teacher, administrator, contractor, or other employee of the school district shall plan, direct, encourage, aid, or engage in hazing nor shall they permit, condone, or tolerate hazing. Victim participation and parent approval do not mitigate the act or change its status from a hazing offense. This applies to behavior that occurs on or off school property and during after school hours.

The building principal is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to a school district human rights officer or to the superintendent. Any employee of the school district shall be alert to possible situations, circumstances, or events that might include hazing. Submission of a good
faith complaint or report of hazing will not affect the complainant or reporter’s future employment, grades or work assignments.

**Prohibition of Bullying and Intimidation**  
(See School Board Policy #513)

District 492 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. Bullying or intimidation includes any written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to one or more students. Bullying or intimidation is expressly prohibited 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. This also applies to any student whose conduct constitutes bullying that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

Bullying includes, but is not limited to, conduct by a student against another student that a reasonable person under the circumstances knows or should know has the effect of:

- 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.

The building principal or the principal’s designee or the building supervisor is responsible for receiving reports of bullying at the building level. Any person may report bullying directly to the school district human rights officer or the superintendent. School employees shall be alert to possible situations, circumstances, or events that might include bullying. Submission of a good faith complaint or report of bullying will not affect the complainant’s or reporter’s future employment, grades, or work assignments, or educational or work environment. Upon receipt of a complaint, the school district shall undertake or authorize an investigation. District 492 has written procedures for reporting and investigating all complaints and communicates these to district personnel and students.

**Anti-Discrimination**  
(See School Board Policies #402 and 522)


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 a district employee who is responsible to report to the 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. The report must be immediately forwarded to the District’s Human Rights Officer who will promptly conduct an investigation.

**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 492 Human Resources personnel. The grievance must be filed within seven calendar days of the alleged discriminatory act or conduct.

**Special Education Services for Students**

(See School Board Policy #608)

In accordance with state and federal mandates, District 492 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). When such services require interagency cooperation, the school district shall participate in such interagency activities in compliance with applicable federal and state law. Services are provided in the following disability areas:

- Specific learning disabilities (SLD)
- Developmental Cognitive Delay (DCD)
- Speech/Language Impaired
- Emotional/behavioral disorders (EBD)
- Hearing and/or Vision Impaired
- Other Health Disability (OHD)
- Physically Impaired
- Traumatic Brain Injury (TBI)
- Autism Spectrum Disorders (ASD)
- Developmental Delay (DD)

**Section 504 Accommodations for Students**

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

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. For additional information, please refer to the District web site or contact the Director of Special Services.
Suspected Maltreatment of Minors
(See School Board Policy #414)

School personnel are mandated reporters and as such 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). A person mandated by Minnesota law to report who fails to report may be subject to criminal penalties and/or discipline. 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 must contact the proper authorities at Mower County Human Services, the local Police department, and/or the Minnesota Department of Education as soon as possible but in no event longer than 24 hours, with written report within 72 hours. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. District 492 has written procedures for reporting and investigating all complaints and communicates these to district personnel and students.

Student Interviews with Social Services and Law Enforcement Officials
(See School Board Policy #414)

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, written notification must be received by school officials before the interview. Such notification shall include the name of the child to be interviewed, the purpose of the interview and a reference to the statutory authority to conduct an interview on school property. If the interview is to be conducted by the local social services agency, the notification shall be signed by the Mower County Human Services Director or his or her designee. The notification shall be private data.

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 considered necessary by District officials and the local social services or law enforcement agency. Every effort will be made to reduce disruption of the child’s educational program, other students and school staff when an interview is conducted on school premises. The interview may take place outside the presence of a school official. When the alleged perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of CFL and, if involved, the local welfare or law enforcement agency.

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 interfere with the administrations
educational decision to remove a student from school as a disciplinary consequence.

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<th>Safety and Security</th>
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<td>(See School Board Policy #903)</td>
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District 492 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 badge/sticker to wear while they are in the building.
- Staff is expected to question people in the building whom they do not recognize and who are not wearing a
  badge/sticker, and to question people who are “hanging around” the building after hours.
- Students and Staff are expected to immediately report to a District employee any suspicious behavior or
  situation that makes them uncomfortable.
- An individual or group may be denied permission to visit a school or school property or such permission may be
  revoked if the visitor(s) does not comply with the school district procedures and regulations or if the visit is not
  in the best interest of students, employees, or the school district.

District-wide
- All District employees are to wear photo-identification badges while in District schools and offices or on District
  property during the school day.
- All District employees supervising activities or events outside the instructional day shall also wear badges.
- All visitors are to wear identification badges/stickers in District buildings.

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<tr>
<th>Protection and Privacy of Student Records</th>
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<td>(See School Board Policy #515)</td>
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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” is information contained in an education record that directly relates to a student and 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, 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, student email, enrollment status (full/part time), student work, awards/honors photographs for school-approved publications, newspapers and videotapes, and photographs for publication on school-approved Internet and World Wide Web pages. It also includes the name, address, and telephone number of the student’s parent(s).

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. 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 except where printing a copy is the only method to provide for the inspection of data or when imposing a fee would effectively prevent the parent or eligible student from exercising their right to inspect or review the student’s education records.

**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 requesting a Request to Amend Educational Records from 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 492 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 Director of Special Education Services.

Transfer of Records to Other Schools

District 492 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**

(See School Board Policy #503)

Regular attendance in all classes is vital to ensuring 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.

The District 492 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.

**MINNESOTA COMPULSORY ATTENDANCE LAW**

The Minnesota compulsory instruction law requires students between the ages of seven and seventeen 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 17 and 18.

The School District reserves the right to require medical documentation in order to excuse an absence.

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

Parents should be aware that according to Minnesota State Law, a student who is absent for fifteen (15) consecutive days must be withdrawn.
REPORTING RESPONSIBILITY

When a student is initially classified as a continuing truant, Minnesota Statute § 260A.03 provides that the school Attendance Officer 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;

HABITUAL TRUANT

1. An habitual truant is a child under the age of 17 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 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.

ADMINISTRATIVE, TEACHER, and STUDENT RESPONSIBILITIES

Please reference the building handbooks for specific information pertaining to building attendance procedures.

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.
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 492 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 Restraint** -- In certain instances, it becomes necessary for staff to use physical restraint to provide a safe environment for students. Reasonable force may be used on a student without her or his consent when used by an administrator, teacher or other staff member in the exercise of lawful authority to restrain or correct such a student. Special care will be taken with students with disabilities to follow any guidelines for physical restraint, which may be written into their individual education plan (IEP). Staff members may use physical restraint:

- To obtain possession of weapons or other dangerous objects upon the person or within the control of a student;
- For self-defense;
- To protect other persons;
- To protect an individual from his or her own actions.

Such acts shall not be construed to constitute corporal punishment within the meaning and intent of this policy.

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**Student Behavior Expectations and Consequences for Misbehavior**

The consequences for misbehavior are designed to be fair, firm, and consistent for all students in District 492. They apply to grades 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. Minor misbehaviors are dealt with by bus drivers, chaperones, classroom teachers, counselors, administrators and other appropriate District staff.

- 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. These behaviors are addressed later in this Policy.
- 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.
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<th>Examples of Conduct that Violate Expectations of Code of Conduct</th>
<th>Definition</th>
<th>Action Levels</th>
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<tr>
<td><strong>Acceptable Use Policy</strong></td>
<td>Use of the Austin Public Schools information network system is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the Austin Public Schools' information network system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension and expulsion. <em>Acceptable use can be an additional violation to a primary violation of another rule of student behavior.</em></td>
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<tr>
<td><strong>Dress</strong></td>
<td>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.</td>
<td>1 3</td>
</tr>
</tbody>
</table>
| **Gang Activity**                                            | *Gang Activity* (Board Policy #506) Includes, but is not limited to:  
- Tagging or graffiti  
- Hand gestures  
- Clothing, articles of clothing or manipulation of clothing  
- Display of certain colors and/or symbols depicting association with a known gang, jewelry, hats or other head gear  
- Recruitment and/or initiation activities  
“Gang” as used in these procedures means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in a pattern of criminal gang activity. The “pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal or group affiliation. | 1 4 |
| **Insubordination**                                          | Willful refusal to follow an appropriate direction given by a staff member. | 1 4 |
| **Interference, Disruption or Obstruction**                  | Any action taken to attempt to prevent one or more staff members or students from exercising their assigned duties or interference or distraction from an electronic device (including pagers, radios, headsets, telephones). | 1 4 |
| **Nuisance Devices**                                         | Causing a nuisance with objects that cause distractions, such as electronic hand-held devices, radios, headsets, telephones, universal remote controls and laser pointers. | 1 3 |
| **Pornography/Possession**                                   | Possession of sexually explicit material. | 1 3 |

### Examples of Conduct that Violate Expectations of Code of Conduct

<table>
<thead>
<tr>
<th>Conduct</th>
<th>Definition</th>
<th>Action Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Physical Safety/Mental Well-Being</strong></td>
<td></td>
<td></td>
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<tr>
<td>Physical Safety/Mental Well-Being (non-criminal acts)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Examples of Conduct that Violate Expectations of Code of Conduct</strong></td>
<td>Arousing alarm in others through the use of language that is discriminatory, abusive, threatening or obscene.</td>
<td>1 3</td>
</tr>
<tr>
<td>Abuse: Verbal, Written or Otherwise Expressed</td>
<td>Committing an act which unintentionally inflicts bodily harm upon another person. This would also include the unauthorized handling of a fire extinguisher.</td>
<td>1 3</td>
</tr>
<tr>
<td>Unsafe Conduct</td>
<td>Whenever someone uses his or her power unfairly and repeatedly in a willful manner with the aim of hurting another individual or group. &quot;Bullying&quot; occurs with there is an imbalance of power so that the student being targeted has trouble defending himself/ herself. It can take on many forms including physical, emotional, and social. Bullying can also be exhibited through electronic means.</td>
<td>1 4</td>
</tr>
<tr>
<td>Bullying, Including Electronic</td>
<td>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.</td>
<td>1 4</td>
</tr>
<tr>
<td>Fighting</td>
<td>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.</td>
<td>1 4</td>
</tr>
<tr>
<td><strong>Examples of Conduct that Violate Expectations of Code of Conduct</strong></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Assault, Aggravated</td>
<td>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.</td>
<td>1 4</td>
</tr>
<tr>
<td>Assault, Physical</td>
<td>Confrontation with a student or staff member which bullies, intimidates, threatens or causes fear of bodily harm or death.</td>
<td>1 4</td>
</tr>
<tr>
<td><strong>Physical Safety/Mental Well-Being</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical Safety/Mental Well-Being (criminal acts)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault: Verbal, Written or Otherwise Expressed</td>
<td></td>
<td>1 4</td>
</tr>
<tr>
<td>Careless or Reckless Driving</td>
<td>Driving on school property in such a manner as to endanger persons or property.</td>
<td>1 4</td>
</tr>
<tr>
<td>Hazing</td>
<td>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.</td>
<td>1 4</td>
</tr>
<tr>
<td>Lighting Incendiary Devices</td>
<td>Unauthorized igniting of matches, lighters and other devices that produce flames. K-5: Also possession of such devices.</td>
<td>1 4</td>
</tr>
<tr>
<td>Robbery or Extortion</td>
<td>Obtaining property from another person where his or her consent was induced by use of force, threat of force or under false pretenses.</td>
<td>1 4</td>
</tr>
</tbody>
</table>

**Action Level Key:** 1. Conference/Intervention  2. Suspension (in school)  3. Suspension (out of school)  4. Expulsion
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<td></td>
<td></td>
<td>Minimum</td>
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<tr>
<td><strong>Physical Safety/Mental Well-Being (criminal acts)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual Violence</td>
<td>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.</td>
<td>3</td>
</tr>
<tr>
<td>Threat (Terroristic, Threat of Bomb or Fire)</td>
<td>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. This would also include intentionally giving a false alarm of a bomb, fire or tampering/interfering with any fire alarm.</td>
<td>1</td>
</tr>
<tr>
<td>Trespassing</td>
<td>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.</td>
<td>1</td>
</tr>
<tr>
<td>Weapon or Look-alike Weapon, Possession (including Ammunition, Mace or Pepper Gas, Fireworks Possession)</td>
<td>Possessing any firearm (including bullets or other projectiles designed to be used in a weapon or other material designed to cause pain or injury), 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. 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. Using, distributing or offering for sale 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.</td>
<td>1</td>
</tr>
<tr>
<td><strong>Property (Criminal Acts)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arson</td>
<td>Intentional destruction or damage to school or District buildings or property by means of fire.</td>
<td>1</td>
</tr>
<tr>
<td>Damage of Property (Vandalism)</td>
<td>Defacing, cutting or otherwise damaging property that belongs to the school, District, other students, employees or others.</td>
<td>1</td>
</tr>
<tr>
<td>Explosives, Possession and/or Use</td>
<td>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. (NOTE: This does not include Fireworks, which are addressed separately later in this policy.)</td>
<td>1</td>
</tr>
<tr>
<td>Records or Identification Falsification</td>
<td>Falsifying signatures or data, or refusing to give proper identification or giving false information to a staff member.</td>
<td>1</td>
</tr>
<tr>
<td>Theft, or Knowingly Receiving or Possessing Stolen Property</td>
<td>Unauthorized taking of the property of another person or receiving or possessing such property</td>
<td>1</td>
</tr>
<tr>
<td>Examples of Conduct that Violate Expectations of Code of Conduct</td>
<td>Definition</td>
<td>Action Levels</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
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<td>--------------</td>
</tr>
<tr>
<td><strong>Controlled Substances (Criminal Acts)</strong></td>
<td></td>
<td>Minimum</td>
</tr>
<tr>
<td>Alcohol or Chemicals, Possession or Use --</td>
<td>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 epipens, must be left with and administered by the school nurse.)</td>
<td>1</td>
</tr>
<tr>
<td>Alcohol or Chemicals, Possession With Intent to Distribute or Sell</td>
<td>Selling or distributing, or intending to sell or distribute, alcohol where sale or distribution is prohibited by Minnesota or federal law. 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.</td>
<td>1</td>
</tr>
<tr>
<td>Tobacco</td>
<td>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.</td>
<td>1</td>
</tr>
</tbody>
</table>

**Levels of Disciplinary Action**

| Level One: Conference/Intervention | At this level school staff may conduct a conference with any combination of students, parents/guardians, teachers, administrators and support staff. Consequences at this level may result in:  
• a behavior contract with student,  
• a warning to the student and/or parent guardian  
• afterschool detention (Saturday School)  
• or other action authorized by the school in compliance with the school district policy and procedures. |
| Level Two: In School Suspension | In school suspension is action taken by a school administrator to prohibit a student from attending more than one class and/or activity period for a period of time not to exceed five days. |
| Level Three: Out of School Suspension | Out of school suspension is action taken by the school administration to prohibit a student from attending school for a period of time of not 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/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 suspension. |
| Level Four: Recommendation for Expulsion or Alternate Educ. Placement | A school board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled. All students offending in this category would have a meeting to determine if the behavior warrants going forward to expulsion with the school board or looking at an Alternative Educational Placement. |

**Action Level Key:** 1. Conference/Intervention 2. Suspension (in school) 3. Suspension (out of school) 4. Expulsion
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 reviewed in this handbook, and by the additional transportation safety rules reviewed in the following chart. In addition, while riding in a district vehicle or school bus, 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, school bus, 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.

**PARENT/GUARDIAN RESPONSIBILITIES**

1. Become familiar with district rules, policies, regulations, and principles of school bus safety.
2. Assist students in understanding safety rules and encourage them to abide by them.
3. Recognize their responsibilities for the actions of their students.
4. Support safe riding practices and reasonable discipline efforts.
5. When appropriate, assist students in safely crossing local streets before boarding and after leaving the bus.
6. Communicate safety concerns to school administrators.
7. Monitor bus stops, if possible.
8. Support all efforts to improve school bus safety.

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 individual education plans (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. Records of school bus misconduct will be forwarded to the individual school building and will be retained in the same manner as other school discipline records. Serious misconduct reports will be sent to the Department of Public Safety. 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.”*
<table>
<thead>
<tr>
<th>Examples of Conduct that Violate Expectations of Code of Conduct</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
</tr>
<tr>
<td>Damage to School Bus</td>
<td>1</td>
</tr>
<tr>
<td>Eating (Including Sunflower Seeds), Drinking, or Use of Tobacco</td>
<td>1</td>
</tr>
<tr>
<td>Harassment and Bullying</td>
<td>1</td>
</tr>
<tr>
<td>Not Remaining Seated when the bus is in motion (as required by Minnesota Statute § 169.447), including not keeping hands, arms, legs, and head inside the bus.</td>
<td>1</td>
</tr>
<tr>
<td>Pushing, Shoving, or Scuffling</td>
<td>1</td>
</tr>
<tr>
<td>Tampering With Emergency or Safety Equipment: Unauthorized handling of emergency or safety equipment on the bus, including first aid kits, fire extinguishers, and emergency doors, windows or hatches, or crossing/patrol flags.</td>
<td>1</td>
</tr>
<tr>
<td>Throwing Objects</td>
<td>1</td>
</tr>
<tr>
<td>Improper Boarding or Departing</td>
<td>1</td>
</tr>
<tr>
<td>Use of Nuisance Devices on a School Bus: Using nuisance devices (such as laser pointers) on a school bus in a way that disrupts the safe transportation of students and/or endangers students or employees.</td>
<td>1</td>
</tr>
<tr>
<td>Weapons or Dangerous Objects on the Bus</td>
<td>3</td>
</tr>
</tbody>
</table>

| Levels of Disciplinary Action: Bus Violations                  |                   |
|                                                               |                   |
| Level One:                                                     |                   |
| Conference/Intervention                                       |                   |
| • Restitution                                                 |                   |
| • Warning                                                     |                   |
| • Parent Contact                                              |                   |
| Level Two:                                                     |                   |
| Bus Suspension                                                |                   |
| Suspensions will follow 1st offenses and will progressively increase with each additional violation. |                   |
| 1-day bus suspension                                          | 3-day bus suspension | 5-day bus suspension | 10-day bus suspension |
| Level Three:                                                   |                   |
| Expulsion                                                     |                   |
| The student will not be able to ride the bus for either the calendar year or the remainder of the school year. A decision will be made with the bus company and administration. |                   |
All students are expected to comply with District policies, regulations, and rules on student behavior. However, for a student with a disability, the policies, regulations and rules may be adjusted as required by federal and state laws and regulations, and by the student’s individual education plan (IEP).

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

**In-School Suspension (ISS)**

A student with a disability may be placed in ISS unless expressly prohibited by his or her IEP. Special Education Services must be reasonably provided as delineated within the student’s IEP.

**Out-of-School Suspension (OSS)**

A student with a disability may receive an OSS for no more than 10 consecutive school days, in accordance with applicable federal law. An IEP team meeting must be held as soon as possible, but no more than 10 school days of an OSS when the student is removed from his or her current placement for more than 5 consecutive school days, or when the student's total days of removal from school during the school year exceeds 10 cumulative days for substantially similar patterns of behavior in a school year and that suspension does not include a recommendation for expulsion or exclusion. A dismissal for 1 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. A child with a disability shall be provided alternative educational services to the extent that the suspension exceeds 5 consecutive school days.

After 10 cumulative days of OSS for substantially similar patterns of behavior in a school year, a functional behavioral assessment must be conducted. In addition, written notice of a meeting of relevant IEP team members will be sent to the student’s parent or guardian to consider if the behavior is a manifestation of the child’s disability. At this meeting, the team will:

- Determine whether the child’s behavior was caused by or had a direct and substantial relationship to the child’s disability.
- Determine whether the child’s conduct was a direct result of a failure to implement the child’s Individualized Education Program.

If the team determines that the incident is a manifestation of the student’s disability, the OSS may still take place, or a change of placement may take place with the agreement of the student’s parent(s) or guardian(s).

If the team determines that the incident is not a manifestation of the student’s disability, action will be taken in accordance with District policy.

If at any time the team determines that the student cannot follow District policies and regulations on student behavior due to his or her disability and that a regulated procedure is necessary, an assessment will be conducted which may lead to writing a Behavior Intervention Plan into an IEP.

**Expulsion/Exclusion**

Before proceeding with an expulsion or exclusion of a student with a disability, the District must initiate a review of the student's IEP with relevant team members, including at least one of the child’s teachers, to 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. An IEP team meeting must be held as soon as possible, but no more than 10 school days of an OSS when the student is removed from his or her current placement for more than 5 consecutive school days, or when the student's total days of removal from school during the school year exceeds 10 cumulative days in a school year. A written notice of the meeting will be sent to the student’s parent(s) or guardian(s).
At the IEP team meeting, the relevant members will:

- Determine whether the child’s behavior was caused by or had a direct and substantial relationship to the child’s disability.
- Determine whether the child’s conduct was a direct result of a failure to implement the child’s Individualized Education Program.

If the team determines that the incident is a manifestation of the student’s disability, an OSS may still take place, expulsion or exclusion may not take place.

If the team determines that the incident is not a manifestation of the student’s disability, the school may proceed with appropriate procedures to expel or exclude the student. Educational services must continue during the expulsion period.

**Exceptions**

In accordance with the federal Individuals with Disabilities Education Act (IDEA), if a student with an IEP in a school or at a school function is in possession of a weapon as defined in federal law; has, uses, solicits the sale of or sells illegal drugs; or causes serious physical injury, the following course of action may be followed.

If the relevant members of the IEP team determine that the student’s behavior was a manifestation of the student’s disability, the student may not be expelled for the behavior. However, one or more of the following actions may take place:

- The student may be removed from school for 10 school days or less, and placed in an interim alternative educational setting for up to 45 calendar days;
- The District may request an expedited due process hearing to seek an order to remove the student from school or to change the student’s current educational placement for up to 45 days if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others, and/or
- The District may initiate a change in placement procedures for the student, subject to the parent(s)’ or guardian(s)’ right to due process.

**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 accordance with school policy. School staff members shall neither request nor interfere with a law enforcement decision to remove a student from school for law enforcement purposes. However, an attempt 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.

**Search and Seizure**

If school administration (or designee) has 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.

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.

**Desks** – School desks are the property of the school district. At no time does the school district relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

**Personal Possessions and Student’s Person** – The personal possessions of students and/or a student’s person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

It shall be a violation of this policy for students to use lockers and desks for unauthorized purposes or to store contraband. It shall be a violation for students to carry contraband on their person or in their personal possessions.

### Process for Student Dismissal and Removal from Class

**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 administration 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 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 ISS 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 school work 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.)

If a student’s total days of removal from school exceed 10 cumulative days in a school year, the District shall make reasonable attempts to convene a meeting with the student and the student’s parent or guardian prior to subsequently removing the student from school. The purpose of the meeting shall be to attempt to determine the student’s need for assessment or other services.
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 District, student, or parent(s) or guardian(s).

- The District 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 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 District 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 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 or his or her representative shall have the right to compel the attendance of any official employee of the District or any public employee or any other person who may have evidence upon which the propose action may be based, and to confront and cross-examine any witness testifying for the District.
• The student 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 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.