

[www.district196.org](http://www.district196.org)

# Overview of Student Rights & Responsibilities

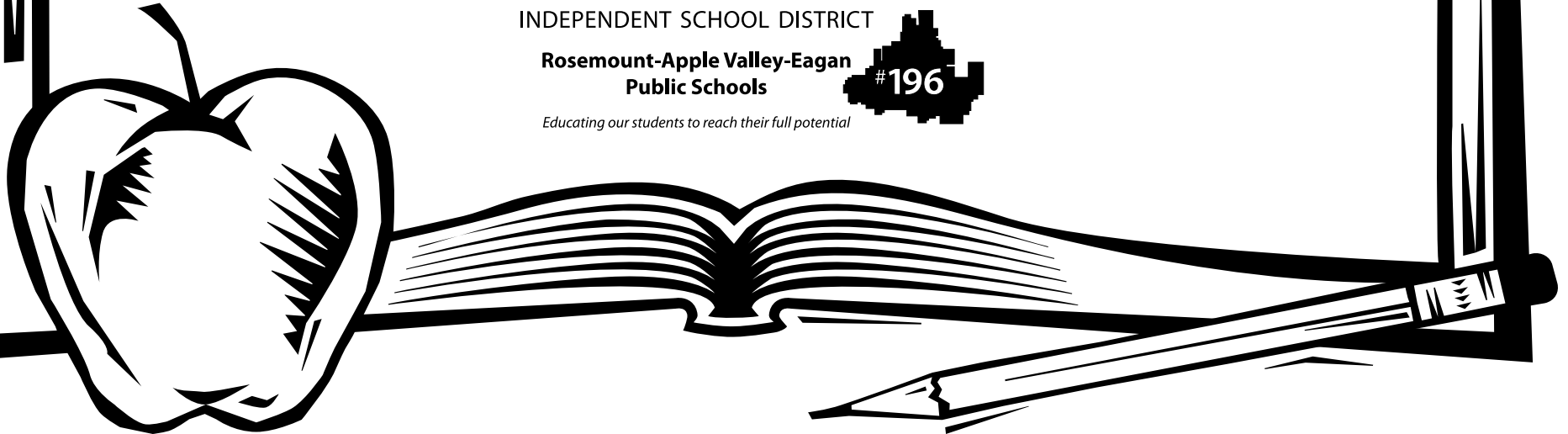
2011-12 School Year

INDEPENDENT SCHOOL DISTRICT

Rosemount-Apple Valley-Eagan  
Public Schools

#196

*Educating our students to reach their full potential*



August 2011

Dear District 196 Parents and Guardians:

Welcome to the 2011-12 school year! We pride ourselves on providing a safe and productive learning environment for students, staff, parents and visitors. This handbook is published annually to explain student rights and responsibilities, as well as the consequences for student misbehavior.

Please take a few minutes to review the information in this Overview of Student Rights and Responsibilities handbook, discuss it with your school-aged children and keep it to reference as necessary during the 2011-12 school year. Teachers briefly review this handbook with students at the start of the school year.

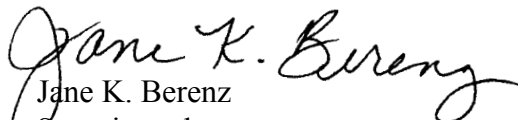
Some of the key additions and changes in the handbook for 2011-12 include:

- Consequences to student misbehavior may now also include the loss of participation in cocurricular activities and the loss of access to school facilities and grounds outside of the regular school day;
- Consequences also apply to student misbehaviors that are carried out through the use of electronic communication;
- The attempt to purchase or obtain synthetic marijuana and any related derivatives was added to #14, “Chemicals, Intent to Sell,” and to #15, “Chemicals, Possession, Attempted Possession or Use,” and
- The smoking of tobacco or other substances on school buses is prohibited.

Thank you for taking the time to become familiar with the information in this handbook. If you have any questions, please contact your school principal.

Best wishes for an enjoyable and successful school year!

Sincerely,

  
Jane K. Berenz  
Superintendent

# TABLE OF CONTENTS

## Student Rights

<i>Prohibition of Harassment, Violence and Hazing</i> .....	2
<i>Prohibition of Bullying and Intimidation</i> .....	3
<i>Anti-Discrimination</i> .....	3
<i>Special Education Services for Students</i> .....	4
<i>Section 504 Process for Students</i> .....	4
<i>Suspected Maltreatment of Minors</i> .....	4
<i>Minnesota Health Care Programs</i> .....	4
<i>Student Interviews with Social Services and Law Enforcement Officials</i> .....	5
<i>Safety and Security</i> .....	6
<i>Protection and Privacy of Student Records</i> .....	7
<i>Protection of Pupil Rights Amendment</i> .....	9
<i>Patriotic Exercise</i> .....	9

## Student Responsibilities

<i>Student Attendance</i> .....	10
<i>Student Behavior and Discipline</i> .....	11
<i>Student Fees and Fines</i> .....	11
<i>Student Behavior Expectations and Consequences for Misbehavior</i> .....	12
<i>Staff Notification of Violent Behavior by Students</i> .....	13
<i>Misbehaviors and Consequences</i> .....	14
<i>Student Transportation: Behavior Expectations</i> .....	25
<i>Special Education Students: Consequences for Misbehavior</i> .....	27
<i>Special Education Students: Consequences for Misbehavior in District Vehicles</i> .....	28
<i>Resolving Concerns</i> .....	29
<i>Search and Seizure</i> .....	29
<i>Process for Student Dismissal: Removal from Class, Suspension, Exclusion and Expulsion</i> .....	30

## About This Handbook

*This handbook includes an overview of District 196 policies, regulations and procedures about student rights and responsibilities. Those documents are periodically updated in response to changes in the law and other circumstances. Therefore, there may have been changes to the documents reviewed in this handbook since the handbook was printed in summer 2011. If you have questions or would like more information about a specific issue, contact your school principal.*

## ***Student Rights***

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

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

Students have the right to freely express ideas, verbally or in writing, within their school program. Responsible criticism and reasonable dissent are basic to the educational process. However, 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 196 is committed to maintaining an educational and employment environment that is free from harassment, violence and hazing on the grounds of sex, sexual orientation, race, religion, color, creed, national origin, marital status, disability, status with regard to public assistance or age. District 196 prohibits any form of harassment, violence and hazing on the grounds of sex, race, religion, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age.

It is a violation of this policy for any District 196 personnel (including School Board members, district employees, agents, volunteers, contractors and/or other persons subject to the supervision and control of the district) or student 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 196 personnel or student to inflict, threaten to inflict or attempt to inflict violence based on sex, race, religion, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age upon any employee, student, visitor or other person.

It is a violation of this policy for any District 196 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, sexual orientation or age harassment, violence, or hazing, and to discipline or take appropriate action against any student, employee or other district personnel who is found to have violated this policy. District 196 has written procedures for reporting and investigating all complaints of

sexual, racial, religious, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age harassment, violence or hazing, which provides for appropriate disciplinary action based on results of the investigation and communicates these procedures to district personnel and students.

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

Nothing in this policy shall preclude teaching about sexual, racial, religious, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age issues as part of the school curriculum.

### ***Sexual Harassment and Violence***

Sexual harassment is a form of sex discrimination that 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.

*(continued on next page)*

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

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

### **Harassment and Violence**

Harassment consists of physical or verbal conduct or communication that is demeaning or hostile to an individual based on 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 educational 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 educational opportunities.

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

### **Hazing**

Hazing means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization. Hazing may occur on or off school property and during or after school hours.

## **Prohibition of Bullying and Intimidation**

District 196 is committed to maintaining an environment free of bullying and intimidation. Bullying or intimidation means a pattern of conduct that substantially interferes with a student's educational benefits, opportunities or performance that occurs in school, on district property, in a district vehicle, at a school or district activity, at a school bus stop or at other locations that directly affect school programs or activities, and includes, but is not limited to, electronic forms and forms involving internet use.

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

- harming a student;
- damaging a student's property;

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

Bullying is subject to discipline under various categories.

## **Anti-Discrimination**

District 196 complies with state and federal laws prohibiting discrimination, including Title IX of the Educational Amendments of 1972, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1991 and the Minnesota Human Rights Act.

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

The superintendent develops and implements programs and processes to:

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

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

**Title IX Grievance Process** – Any district student who believes himself or herself to be a victim of discrimination on the basis of sex in violation of Title IX may file a grievance in writing with the District 196 compliance officer (the School District Attorney) if not grievable by means of another grievance procedure. The grievance must be filed within seven calendar days of the alleged discriminatory act or conduct, or the grievance will be waived.

The School District Attorney may be reached at 3455 153rd St. West, Rosemount, MN 55068-4946, or by telephone at 651-423-7883.

## ***Special Education Services for Students***

In accordance with state and federal mandates, District 196 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 from ages birth-21.

Students are entitled to a free appropriate public education in the “least restrictive environment” (usually the school the child would attend if the child did not have a disability). If you suspect your child has a disability, please contact your principal or school psychologist. Services are provided in the following areas:

- Autism Spectrum Disorder (ASD);
- Specific Learning Disabilities (SLD);
- Developmental Cognitive Disability: Mild-Moderate (DCD:MM);
- Emotional/Behavioral Disorders (EBD);
- Speech and Language (S/L);
- Developmental Adapted Physical Education (DAPE);
- Occupational Therapy (OT);
- Physical Therapy (PT);
- Deaf and Hard of Hearing (DHOH);
- Developmental Cognitive Disability: Severe-Profound (DCD:SP);
- Other Health Disabilities (OHD);
- Physical Health Disorder (PHD);
- Developmental Delay (DD);
- Traumatic Brain Injury (TBI);
- Visual Impairment (VI);
- Work-Based Learning;
- Deaf/Blind (DB), and
- Severe Multiple Impairment (SMI)

You may request a copy of the *Notice of Procedural Safeguards* from your principal or download it from the Minnesota Department of Education:  
<http://education.state.mn.us/mdeprod/groups/Compliance/documents/Manual/002446.pdf>.

## ***Minnesota Health Care Programs***

Minnesota offers health care through publicly funded health care programs to people who qualify and meet the program guidelines within income and asset limits. Available programs include Medical Assistance (MA), General Assistance Medical Care (GAMC) and MinnesotaCare. Minnesota’s health care programs may cover the following medical services: doctor assistance, dental visits, hospital care, prescriptions and immunizations, eye exams and eye glasses, chiropractic care, hearing aids, mental health services, and medical equipment and supplies.

Applications for the Minnesota Health Care Programs are available at all of our schools and early childhood education sites and from Dakota County or the Minnesota

## ***Section 504 Process for Students***

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

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 such an impairment.

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

## ***Suspected Maltreatment of Minors***

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

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

Upon receiving a report of suspected maltreatment of a minor, the employee making the report or the principal must call the proper authorities – the Child Protection Unit of Dakota County Social Services, the local police department and/or the Minnesota Department of Education – within 24 hours.

Department of Human Services. Information shared with the school district will be kept private and will only be used as permitted by law.

For more information about Minnesota’s Health Care Programs or for assistance filling out an application, please contact one of the following:

- Dakota County Community Services, 651-554-5611;
- The Minnesota Department of Human Services, 651-431-2670;
- District 196 Prevention Services, 651-423-7712, or
- Contact your child’s building principal for additional assistance.

## ***Student Interviews with Social Services and Law Enforcement Officials***

### ***In Cases Involving Child Abuse or Neglect . . .***

Each local social services and law enforcement agency has 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 Dakota County Social Services director or his or her designee.

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

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

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

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

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

When a local social 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.

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.

Other than in connection with an investigation into alleged child abuse, the administration will grant permission to law enforcement officials to interview a student regarding his or her alleged misbehavior or the alleged misbehavior of others on school grounds and/or during the school day only when the interview is to be held in a closed room away from the view of students and adults. In such a situation, the school administrator or law enforcement official shall attempt to inform the student's parent or guardian about the interview the same day it occurs.

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 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.

A classroom teacher may never excuse a student at the request of a social services or law enforcement official unless this request has been checked out and approved by the appropriate school administrator.

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

## ***Safety and Security***

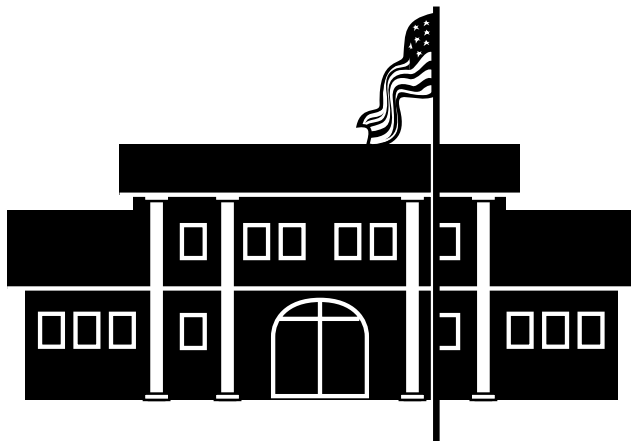
District 196 and each of its schools have emergency plans that are reviewed annually and revised when appropriate. Video cameras are placed in schools and buses as a deterrent for misbehavior and to aid investigation of misbehaviors. Students are subject to discipline and referral to law enforcement for incidents of misconduct caught on videotape. 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 must report to the office or visitor's desk and sign in when they first arrive at school during school hours.
- All visitors should be given a nametag or badge to wear while they are in the building during school hours.
- Staff are expected to question people in the building whom they don't recognize and who are not wearing a nametag or badge.
- Students and staff are expected to immediately report to a teacher or administrator any suspicious behavior or situation that makes them uncomfortable.
- Lock as many unneeded outside doors as possible, as determined by a premises survey.
- In the high schools, students are required to carry identification cards with them at all times in school or on school property.
- Portions of the building that will not be needed after the regular school day are closed off.
- Safety and security information is included in newsletters and handbooks for students, staff and parent(s).

### ***Districtwide***

- All district employees are to wear photo-identification badges while in district schools and offices or on district property.
- All visitors are to wear identification badges in district buildings during school hours.
- Signs are posted on unlocked doors in all schools to welcome visitors to the school, to instruct them to report first to the office or visitor's desk and to wear the school badge or nametag while they are in the building.
- Signs are posted on locked doors in all schools to explain that the door is locked for safety reasons and to direct people to an unlocked door.
- Safety and security information is included in the Overview of Student Rights and Responsibilities handbook, and in staff and community publications.
- Building supervision is provided in schools after regular school hours.
- Minnesota Statute 123B.03 requires school districts to perform criminal history background checks on everyone offered employment in the district, including all volunteer athletic and cocurricular coaches. The district exercises discretion when requiring background checks on selected other volunteers and independent contractors. In exercising its discretion with respect to volunteers and independent contractors, the district considers such factors as the amount of student contact and the duration of the contact.



## ***Protection and Privacy of Student Records***

### ***Privacy Rights***

Educational records which identify or could be used to identify a student, other than directory information (see below), may not be released to members of the public without the written permission of the student's parent or guardian, or the student if he or she is 18 years of age or older. This general rule is subject to specific and limited exceptions, which are described in Administrative Regulation 505.2AR, Protection and Privacy of Student Records.

### ***Directory Information***

"Directory information" includes a student's name, date and place of birth, sex, major field of study, participation and performance in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level completed, degrees, honors and awards received, honor roll, school of attendance, the most recent previous educational agency or institution attended, photographs, videotapes and other visual representations for school-approved publications, yearbooks, newspapers, public presentations, and publication on school-approved Internet and World Wide Web pages. The home address and telephone number of high school students may also be released to military recruiters and institutions of higher learning.

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 categories of such information.

Parent(s) or guardian(s) or students age 18 or older may object to the release of directory information by completing Procedure 505.2.4.3P, Denial of Release of Directory and Yearbook Information. The form should be completed and returned to your student's school. If filed, the denial of release of information will remain in effect until it is modified or rescinded by the parent, guardian or eligible student.

### ***Inspection of Records***

Parent(s) or guardian(s) of a student, or a student who is age 18 or older, may request to inspect and review any of the student's educational records except those which are, by state or federal law, made confidential.

The district will comply with the request immediately if possible and, if not, within 10 days exclusive of weekends and holidays.

Copies of records may be obtained upon written request. A copying and handling fee will be charged.

### ***Challenge to Accuracy of Records***

A parent, guardian or student age 18 or older who believes that specific information in the student's educational records is inaccurate, misleading, incomplete or violates the privacy or other rights of the student, may request that the district amend the record in question. Challenges may be made by requesting and filing Procedure 505.2.11P, Request to Amend Educational Records, with the Director of Special Education.

### ***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
- The parent or guardian of a 17-year-old or younger graduated student, or
- A person assigned guardianship of a former student with a disability who is no longer eligible for special education services.

Special education records are defined as any records stored in the district's child study files that include a referral form and the subsequent steps of evaluation and/or assessment, including: raw data, any record of staffing and/or team meeting, and individualized educational plan (IEP), progress report and annual review.

A former District 196 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 651-423-7628 or writing to the Director of Special Education. Former students who are in doubt as to whether they are subjects of special education data or want more information regarding destruction of data may call 651-423-7628.

### ***Transfer of Records to Other Schools***

District 196 forwards educational records (including disciplinary 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.

*(continued on next page)*

## ***Types and Purposes of Data Gathering***

Educational programs administered by the district involve the submission by students of assignments, reports and the taking of tests. Information required to be submitted by students in connection with such reports, assignments and tests is private data under the terms of the Minnesota Government Data Practices Act, Minnesota Statute 13.01, et. seq. Such information is gathered and used as part of the educational process, in part to determine what the student is learning and what the student needs to learn. The district may also gather information from students when necessary to maintain the order and discipline of the school. In some cases this may include private data.

There is no legal requirement that students submit such data, but their failure to do so will have a direct result upon grades which are measured by evaluating such information. In some cases, students may be required to share data when it is necessary to maintain order and discipline. Failure to provide data in such cases may lead to disciplinary action.

School officials within the school district may receive and use the collected data when they have a legitimate educational interest in evaluating the student's progress or maintaining the order and discipline of the school. Such information is treated as private information and is not to be disclosed to third parties, unless authorized by law, without permission of the parent(s) or guardian(s) of minor students or students age 18 or older.

The district maintains the information described above in its educational records. There are two student record systems:

- **Cumulative records** are gathered on all students in the regular education program, including group achievement and ability measures, Title I services, English Language Learner services, Gifted and Talented services, interest inventories, disciplinary interventions, transcripts and other records, and logs and notes as appropriate; and
- **Child study records** are gathered when direct and indirect services and programs are delivered to individual students, including individually administered achievement tests, sensory and motor function tests, intellectual measures and other records, individual educational plans, evaluation reports and logs and notes as appropriate.



## ***Location of Records***

The educational records gathered on students are maintained in secure locations in district schools.

- **Cumulative records** are maintained in the school the student attends. When the student graduates or transfers out of District 196, the records are maintained at the school of last attendance for one year. After one year the records are moved to the District Office and archived into the digital imaging system.
- **Current child study records** are stored in the school the student attends. Historical child study records are transferred once per year to the District Office where they are archived into the digital imaging system.

Questions may be addressed to the Director of Special Education or to the principal of the school the student attends.

Records are released to outside individuals or agencies only according to provisions in Administrative Regulation 505.2AR, Protection and Privacy of Student Records. Parent(s), guardian(s) or students age 18 or older may request an opportunity to review records and/or receive copies of records according to provisions in Administrative Regulation 505.2AR.

## ***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 USC Section 1232(g) to the Family Policy Compliance Office, U.S. Dept. of Education, 400 Maryland Avenue, SW; Washington, DC 20202-5920.

## ***For More Information***

This review of the data privacy rights of students, parents and guardians in the educational records maintained by District 196 is intended only to be a summary of the provisions of Administrative Regulation 505.2AR, and applicable state and federal law. The regulation is available on the district website. Requests for copies of the regulation and questions should be addressed to:

Director of Special Education  
Independent School District 196  
3455 153rd St. West  
Rosemount, MN 55068-4946  
651-423-7628  
[www.district196.org](http://www.district196.org)

## ***Protection of Pupil Rights Amendment***

The Protection of Pupil Rights Amendment (PPRA) gives students and parents rights regarding student surveys and other matters. PPRA, as revised by the No Child Left Behind (NCLB) Act of 2001 now requires the following:

Districts must directly notify parents and students each year of their rights under the law.

Districts must receive written consent of the parent or adult student before administering any student surveys funded by the U.S. Dept. of Education (USDOE) if the survey includes “protected” information regarding any of the following “protected” topics:

- Political affiliations or beliefs of the student or the student’s parents;
- Mental or psychological problems of the student or the student’s family;
- Sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating or demeaning behavior;
- Critical appraisals of other individuals with whom respondents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those of attorneys, physicians and ministers;
- Religious practices, affiliations, or beliefs of the student or the student’s parents, or
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

Parents have the right to notice, and an opportunity to “opt out” of any of the following:

- A survey not funded by the USDOE that includes one or more of the “protected” topics;
- Activities involving the collection, disclosure or use of personal information obtained from students for the purpose of marketing, selling or otherwise distributing said information to others, or
- Any non-emergency invasive physical exams or screenings that are required for attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate safety of the student or other students, except for hearing, vision, or scoliosis screenings, or others as permitted or required by state law.

Parents and eligible students have the right to inspect certain materials prior to a district participating in a survey. A request to inspect materials can be made to the building principal. Available for review will be:

- Surveys that seek information about the protected topics;
- Documents and instruments used to collect personal information from students if used in marketing, sales or distribution to others, and
- Instructional materials used as part of the educational curriculum or as part of student surveys conducted under sections listed above.

Parents and eligible students can report violations of the PPRA by contacting the U.S. Dept. of Education Policy Compliance Office, 400 Maryland Avenue SW, Washington, DC 20202-5920.

Collection, protection and use of data obtained from students is governed by Policy 801, District-Community Relations; Administrative Regulation 801.9AR, Use of Students, Employees and/or District Data for Research, and Policy 505, Student Records and corresponding administrative regulations.

## ***Patriotic Exercise***

Student appreciation and understanding of the United States of America, the American heritage and democratic ideals are enhanced by ceremonies and other observances.

The Pledge of Allegiance shall be said at every school every school day, and schools shall regularly involve students in activities and programs to increase student understanding of the United States of America and its heritage.

In accordance with the law, individuals who wish to opt out of saying the Pledge of Allegiance or participation in patriotic exercises due to personal beliefs will be permitted to do so.



# ***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, administration and staff share the responsibility of establishing and maintaining a safe, stimulating and productive learning environment.

## ***Student Attendance***

A major student responsibility at all grade levels is regular attendance. Many studies correlate regular attendance with success in school. Regular attendance means that the academic learning process is not interrupted, less time is spent on make-up assignments, and students benefit from participation and interaction with others in class. State law requires every child between seven and 16 years of age to receive instruction. Students with excessive unexcused absences will be considered truant.

Establishing a pattern of good attendance will benefit the student in school and in the workplace. The district has established more detailed guidelines for high school student attendance.

### ***High School Student Attendance***

**Expectation** – With the exception of school-authorized and verified absences, high school students are expected to attend class every day.

**Maximum Absence Rule** – Students will not receive credit for a class in which absences (including those accumulated through tardies and excluding school-authorized absences) reach 10 in one trimester, except for those absences specified below.

Upon the 10th absence, the student will receive a grade of “no credit” (NC) or “fail” (F).

- The student will receive an “NC” if the student remains in class, follows behavioral expectations and meets all course requirements by the end of the trimester. An “NC” will have no effect on the student’s grade point average.
- The student will receive an “F” if he or she is disruptive and has to be removed from the class and placed in a study hall, if he or she chooses to leave the class, or if he or she does not meet all course requirements. An “F” grade will have a negative effect on the student’s grade point average.

**Types of Absences** – Absences which are not counted in the maximum absence rule include, but are not limited to, the following:

- School-sponsored curricular and cocurricular activities;
- Official religious holidays;
- Death of an immediate family member (parent, stepparent, guardian, sibling, grandparent);

- Unique or emergency circumstances which are authorized (or, whenever possible, pre-authorized) by a school administrator;
- Chronic or long-term illnesses which are verified by a doctor’s signed statement and authorized by the school administrator, and
- Authorized appointments with school personnel.

Absences which are counted in the maximum absence rule include, but are not limited to, the following:

- Verified – Absences which are verified by the parent or guardian with reasons accepted by the school such as illness; medical or dental appointments that cannot be made outside of school time; court appearances; pre-authorized, pre-planned absence of one day or more (arranged prior, preferably at least one week, to the absence in order to be verified); in-school suspension, out-of-school suspension and transitional study hall.
- Unexcused – Unexcused absences are inappropriate and insubordinate and will be treated with consequences for misbehavior outlined in district policy. Unexcused absences occur when a student chooses to be absent from school without the approval of the school. Such absences include, but are not limited to, truancy, oversleeping, car trouble and planned absences which were not pre-approved by the school. Consequences may include, but are not limited to, detention, in-school suspension or out-of-school suspension.
- Tardies – Tardies are defined as being late to class without a pass. Three tardies per class equals one absence and will be counted in the maximum absence rule. Consequences such as detention, in-school suspension or out-of-school suspension may be assigned to students with excessive tardies.

For more information about high school student attendance, including notification/intervention process, make-up work and appeal process, refer to your high school’s student handbook or request a copy of Administrative Regulation 503.2AR, High School Student Attendance.

## ***Student Behavior and Discipline***

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

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

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

School staff may report suspected criminal misconduct by a student to law enforcement. Law enforcement officers shall be permitted to carry out necessary law enforcement functions in the schools, including the removal of a student from school grounds in appropriate circumstances.

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

### ***Discipline:***

- Sets behavioral limits and guidelines to lead students to and through adulthood;
- Develops individual respect for law, authority, property, and the rights of others and self, and
- Develops a mature individual capable of self-control and direction.

Disciplinary efforts are to be as positive as possible, and are to include recognizing and strengthening appropriate behavior. Every student and employee in District 196 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).

**Physical restraint** may be used by staff members:

- To quell a disturbance threatening injury to others;
- 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 and/or property;
- To direct the movement or actions of a student to avoid undue or deliberate disruption of the classroom or other parts of the school, or
- 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.

## ***Student Fees and Fines***

Fees may be charged in areas considered to be cocurricular, supplementary to the education requirements for graduation or otherwise permitted by state law.

Schools shall charge students for lost, damaged or destroyed books, materials, supplies and equipment which are owned by the district, including damage to school buses. Schools may fine students for parking violations on school property.

## ***Student Behavior Expectations and Consequences for Misbehavior***

The consequences for misbehavior are designed to be fair, firm and consistent for all students in District 196. They apply to k-12, early childhood and adult basic education (ABE) students in any school or other district building, on district property, in district vehicles, at school bus stops and at school or district events.

Because it is not possible to list every misbehavior that occurs, misbehaviors not included here will be responded to as necessary by staff. 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 cocurricular activities and are not addressed in the following chart of misbehaviors.

Students participating in cocurricular 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 in this handbook, a school or the Transportation Department may respond to student misbehavior in a variety of ways which include, but are not limited to, dismissal from school, removal from class, loss of cocurricular activities, loss of access to school facilities and grounds outside of the regular school day, 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. School staff members shall not interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts shall be made to inform a student’s parent or guardian of the involvement of law enforcement. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary consequence.

### ***Consequences***

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

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

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

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

bus and up to one day out-of-school suspension.

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

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

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

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

***Expulsion from Bus*** – Transportation Department student conduct specialist or school administrator action to prohibit a student from riding a school bus or other district vehicle for up to 12 months from the date of the expulsion from the bus.

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

***Mediation*** – Mediation is designed to:

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

***Notification of Parent or Guardian*** – Conversation (in person or by telephone) and/or written contact between a school employee (usually a teacher, student support staff member or administrator) and a student’s parent or guardian.

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

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

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

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

***Suspension from Bus*** – Action taken by the Transportation Department student conduct specialist or an administrator to prohibit a student from riding a school bus or other district vehicle for a specific number of days per incident.

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

***Suspension, Out-of-school*** – Action taken by the school administration to prohibit a student from attending school for a period of no more than 10 school days. (A one-day sus-

*(continued on next page)*

pension is for a consecutive period of time equivalent to one school day. For example, if a student is suspended at noon, he or she may be suspended until noon the following school day.) If a suspension is longer than five days, the suspending administrator shall provide the superintendent or designee with a reason for the suspension. A student who is on out-of-school suspension may not be in the school, on school or district property or attend school or district activities during the period of the suspension. If a student's total days of removal from school exceeds 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 removing the student from school, and with the permission of the parent or guardian, arrange for a mental health screening for the student. (The school district will not pay for the assessment unless it is part of an assessment for special education purposes.) The purpose of the meeting shall be to attempt to determine the student's need for assessment, other services or whether the parent or guardian should have the student assessed to determine whether the student needs treatment for a mental health disorder.

**Violent Student Behavior (VSB)** – A student who engages in a behavior identified as “VSB” (violent student behavior) in the consequences chart will be identified as a student with a history of violent behavior. (See page 14.)

**Optional Consequences** – There are optional consequences available in certain circumstances, including parent shadows for elementary and middle school students.

- **Parent Shadow** (elementary school) – The principal may offer the “parent shadow” consequence (the parent or guardian to follow the student for half a day at school)

to the student's parent(s) or guardian(s) for any elementary student misbehavior that results in a one-day, out-of-school suspension, except for weapon possession, look-alike weapon possession, assault or fighting. The parent(s) or guardian(s) may then choose to accept or not accept the parent shadow consequence. Parent shadows will be expected to abide by the guidelines in Administrative Regulation 806AR, Visitors to Schools, and to complete the consequence within five school days of the incident.

- **Parent Shadow** (middle school) – The principal may offer the “parent shadow” consequence (the parent or guardian to follow the student for half a day at school) to the student's parent(s) or guardian(s) for any middle school student misbehavior that results in a ★ consequence. The parent(s) or guardian(s) may then choose to accept or not accept the parent shadow consequence. Parent shadows will be expected to abide by the guidelines in Administrative Regulation 806AR, Visitors to Schools, and to complete the consequence within five school days of the incident.
- **Chemical Assessment** (middle and high school) – Secondary students who violate certain rules regarding alcohol and chemicals may opt to have a lesser consequence if the student obtains a chemical assessment and adheres to the assessment recommendations. Assessment will be at the expense of the student's parent(s) or guardian(s) (or the adult student, if age 18 or older). A release form must be signed by the student and student's parent(s) or guardian(s) to share appropriate information with the school district.

## **Staff Notification of Violent Behavior by Students (VSB)**

A classroom teacher has a legitimate educational interest in knowing which students placed in the teacher's classroom have a history of violent behavior. Teachers must be notified before such students are placed in the teacher's classroom. Students who become identified as having a history of violent behavior as the year progresses, will constitute the need for teacher notification.

**Identification of Students with a History of Violent Behavior** – A student who engages in a behavior identified as “VSB” (violent student behavior) in the consequences chart will be identified as a student with a history of violent behavior.

**Notification to Teachers/Staff** – Teacher notification will occur on Procedure 503.3.5P, Staff Notification of Violent Behavior by Students, with a copy placed in the student's educational record and retained pursuant to the school district's records retention schedule. Written notification should be provided to all of the student's classroom teachers. Building principals have discretion to provide notice to other staff members who also interact with the student. Written notification to the teacher will occur prior to the placement of a student in the teacher's classroom whenever possible.

Once a student has been identified as a student with a history of violent behavior, notification will occur for the remainder of the school year and the following school year. The period of notification will be extended accordingly for each new incident of violent behavior that occurs.

**Notification to the Parent of a Student Identified as Having a History of Violent Behavior** – Parental notification of a student having a history of violent behavior will

be consistent with notification practices in this handbook and Administrative Regulation 503.3AR, Student Behavior Expectations and Consequences for Misbehavior.

**Notice to Other School Districts** – This notice is an educational record and will be transferred to an enrolling school district.

**Training** – Pursuant to Minnesota Statute 121A.64, representatives of the School Board and representatives of the teachers will discuss the needs of students and staff. The parties may discuss necessary training which may include training on conflict resolution and positive behavior interventions and possible intervention services such as student behavioral assessments.

**Written Notification from Law Enforcement** – A school that receives formal notification from law enforcement or the court system about a student's delinquent conduct in the community shall process that notification as required by Minnesota Statute 121A.75. This may include notification of appropriate staff if necessary to protect others from needless vulnerability and to allow staff members to work with the student in an appropriate manner. Notification shall be in accordance with the law and shall not be governed by the district's procedures for staff notification of students with a history of violent behavior. The handling and retention of records received pursuant to Minnesota Statute 121A.75 shall be according to the requirements of that statute and Minnesota Statute 120A.22, subd. 7.

**Record of Notice** – The administration must keep a copy of Procedure 503.3.5P, Staff Notification of Violent Behavior by Students, on file to provide a record of those staff members notified under this section.

## **Misbehaviors and Consequences**

Students are expected not to engage in the following activities. The consequences apply regardless of whether the misbehavior took place in school, on district property, in a district vehicle, at a school or district activity, or at a school bus stop. Consequences also apply to misbehaviors carried out through the use of electronic communication. The consequences may also apply for misbehaviors which take place at other locations, but directly affect school programs or activities. The administrator may recommend longer suspensions, expulsion, denial of transportation privileges or other discipline on a case-by-case basis with approval from the appropriate district-level director. This may include more severe consequences for students with multiple offenses in different categories of misbehavior or when a single behavior is particularly severe. (NOTE: At the elementary school level, the principal may substitute in-school suspension (ISS) for out-of-school suspension (OSS) on a case-by-case basis, with approval from the Director of Elementary Education.)

MISBEHAVIORS	1st Offense	2nd Offense	3rd Offense	4th Offense
1. <b>Abuse: Verbal, Written or Otherwise Expressed</b> – Arousing alarm in others through the use of language that is discriminatory, abusive, bullying, threatening or obscene, including through the use of electronic communication.				
Involving student or staff (grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
Involving student (grades 6-12)	★	1-day susp.	3-day susp.	5-day susp. and •VSB
Involving staff (grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
Involving staff (grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
2. <b>Alarm, False</b> – Intentionally giving a false alarm of a fire or other emergency notification system (such as 911), or tampering or, interfering with any alarm.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	5-day susp.	expulsion		
3. <b>Alcohol, Intent to Distribute or Sell</b> – Selling or distributing, or intending to sell or distribute alcohol, including through the use of electronic communication, where sale or distribution is prohibited by Minnesota or federal law (Refer to 506.7.3AR, Student Chemical Abuse, for more information.)				
(grades 6-12)	5-day susp. with chemical assessment <b>or</b> 10-day susp.	expulsion		
4. <b>Alcohol, Possession or Use</b> – Possessing, influenced by the use of, or using alcohol.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	5-day susp. with chemical assessment <b>or</b> 10-day susp.	10-day susp. with chemical assessment and agreement to follow assessment recommendations <b>or</b> expulsion		

•VSB – violent student behavior see page 14

★ – see page 12

*(continued on next page)*

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
5. <b>Ammunition, Mace or Pepper Gas Possession</b> – Possession of bullets, other projectiles designed to be used in a weapon or other material designed to cause pain or injury.				
(grades k-5)	★	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
(grades 6-8)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
(grades 9-12)	5-day susp. and •VSB	expulsion and •VSB		
6. <b>Arson</b> – Intentional destruction or damage to school or district buildings or property by means of fire.				
(grades k-12)	expulsion, restitution and •VSB			
7. <b>Assault: Aggravated</b> – Committing an assault upon another person with a weapon or a device used as a weapon, or an assault which inflicts great bodily harm upon another person.				
(grades k-12)	expulsion and •VSB			
8. <b>Assault: Physical</b> – Acting with intent to cause fear in another person of immediate bodily harm or death, or intentionally bullying, inflicting or attempting to inflict bodily harm upon another person. Any intentional, harmful or potentially harmful physical contact or bullying initiated by a student against a staff member will be considered to be assault.				
Upon a student or staff member (grades k-5)	★	1-day susp.	3-day susp. and •VSB	5-day susp. and •VSB
Upon a student (grades 6-12)	5-day susp. and •VSB	expulsion and •VSB		
Upon a staff member (grades 6-12)	expulsion and •VSB			
Refusing to obey an order to cease striking, hitting, or attacking another student with the intent to cause physical harm. (grades 6-12)	10-day susp and VSB	expulsion and VSB		
9. <b>Assault: Verbal, Written or Otherwise Expressed</b> – Confrontation with a student or staff member which bullies, intimidates, threatens or causes fear of bodily harm or death, including through the use of electronic communication.				
Upon a student or staff member (grades k-5)	★	1-day susp.	3-day susp.	5-day susp. and •VSB
Upon a student (grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
Upon a student (grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
Upon a staff member (grades 6-12)	5-day susp. and •VSB	expulsion and •VSB		
10. <b>Bodily Harm, Inflicting</b> – Committing an act which unintentionally inflicts bodily harm upon another person.				
(grades k-5)	★	1-day susp. or parent shadow	3-day susp.	5-day susp.
(grades 6-12)	★	3-day susp.	5-day susp.	expulsion

•VSB – violent student behavior see page 14

★ – see page 12

(continued on next page)

<b>MISBEHAVIORS (continued)</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
11. <b>Bomb Threat, False</b> – Intentionally giving a false alarm of a bomb including through the use of electronic communication.				
(grades k-2)	1-day susp.	3-day susp.	5-day susp.	expulsion
(grades 3-5)	3-day susp.	expulsion		
(grades 6-12)	expulsion			
12. <b>Bullying</b> – Bullying is subject to discipline under other categories including, but not limited to, abuse, assault, harassment, cyberbullying, or through the use of other electronic communication.				
13. <b>Burglary</b> – Entering a building or a specific area of a building without consent and with intent to commit a crime, or entering a building without consent and committing a crime.				
(grades k-5)	3-day susp. and restitution	expulsion and restitution		
(grades 6-12)	expulsion and restitution			
14. <b>Chemicals, Including Prescription Drugs, Over-the-Counter Medications and Synthetic Marijuana and any Related Derivatives, Intent to Distribute or Sell</b> – Selling or distributing, or intending to sell or distribute, including through the use of electronic communication, any narcotic, controlled substance or item purported or believed to be a narcotic or controlled substance, or drug 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 substances including synthetic marijuana and any related derivatives which can be for the purpose of mood alteration. (Refer to 506.7.3AR, Student Chemical Abuse, for more information.)				
(grades 6-12)	expulsion			
Distribution of drug paraphernalia – Sale or distribution, or intended sale or distribution, of drug paraphernalia (grades 6-12)	expulsion			

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
<p><b>15. Chemicals, Including Prescription Drugs, Over-the-Counter Medications and Synthetic Marijuana and any Related Derivatives, Possession, Attempted Possession or Use –</b>            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 using 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 using certain substances including synthetic marijuana and any related derivatives for their mood-altering effect, or attempting to purchase or obtain any of the above, including through the use of electronic communication. (Refer to 506.7.3AR, Student Chemical Abuse, for more information.) (Any prescription or over-the-counter medication a student is required to take, with the exception of inhalers, epi-pens and insulin, must be left with and administered by the school nurse, in accordance with 506.2.2AR, Administering Medication.) Students in grades 7-12 may self-administer standard doses of non-prescription pain relievers with written parent permission. (Refer to 506.2.1.2P, Emergency Information – Secondary Students, for more information.)</p>				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12) – Drugs other than those listed below will result in the following consequences.	5-day susp. with chemical assessment <b>or</b> 10-day susp.	10-day susp. with chemical assessment and agreement to follow assessment recommendations	expulsion	
(grades 6-12) – Certain felony-level drugs, specifically cocaine, ecstasy (MDMA), heroin, nonmedical methamphetamine (meth) and psilocybin (magic mushroom), will result in expulsion.	expulsion			

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
16. <b>Damage of Property (Vandalism)</b> – Intentionally defacing, cutting or otherwise damaging property that belongs to the school, district, other students, employees or others. (NOTE: Tampering with or disabling surveillance, safety, fire or security equipment will automatically result in consequences beginning at the 2nd offense level.)				
(grades k-5)	★ and restitution	1-day susp. and restitution or parent shadow and restitution	3-day susp. and restitution	5-day susp., restitution and •VSB
(grades 6-8)	★, 1-day susp. and restitution	3-day susp. and restitution	5-day susp., restitution and •VSB	expulsion, restitution and •VSB
(grades 9-12)	3-day susp. and restitution	5-day susp., restitution and •VSB	expulsion, restitution and •VSB	
Damage of Property (Vandalism) – Greater than \$500 damage (grades 9-12)	5-day susp. and restitution	expulsion, •VSB and restitution		
Damage of Property (Vandalism) - Greater than \$1,000 damage (grades 9-12)	10-day susp. and restitution	expulsion, •VSB and restitution		
17. <b>Dress</b> – Clothing may not include words or visuals which are lewd*, obscene*, disruptive*, abusive* or discriminatory*, or which advertise drugs, alcohol or tobacco. Dress or grooming which is disruptive of the classroom or school atmosphere is not allowed. Shoes must be worn at all times for health and safety reasons. Secondary school students may not wear facemasks that would prevent the student from being identified.				
(grades k-5)	★	★	1-day in-school susp.	3-day susp.
(grades 6-12)	★	1-day susp.	3-day susp.	5-day susp.

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

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

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

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

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
18. <b>Driving, Careless or Reckless</b> – Driving on school property in such a manner as to endanger persons or property.				
(grades 9-12)	★; may include revocation of parking permit	3-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit	expulsion

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
19. <b>Explosives, Possession and/or Use</b> – Possessing or using any compound or mixture, the primary or common purpose of which is to function by explosion, with substantially instantaneous release of gas and heat.				
(grades 3-12)	expulsion and •VSB			
20. <b>Fighting</b> – Adversarial physical contact (differentiated from poking, pushing, shoving or scuffling) in which one or both of the parties contributed to the situation by verbally instigating a fight and/or physical action.				
(grades k-5)	★	★	1-day susp.	3-day susp. and •VSB
(grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
(grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
21. <b>Fighting, promoting/instigating a fight</b> – Contributing to a fight verbally or through behavior, including through the use of electronic communication.				
(grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	5-day susp. and •VSB
(grades 9-12)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
22. <b>Fire Extinguisher, Unauthorized Use</b> – Unauthorized handling of a fire extinguisher or fire alarm sensors.				
(grades k-5)	★	1-day susp. or parent shadow	3-day susp.	5-day susp.
(grades 6-12)	5-day susp.	expulsion		
23. <b>Fireworks, Possession</b> – Possessing or offering for sale any substance, combination of substances or articles prepared to produce a visible or audible effect by combustion, explosion, deflagration or detonation.				
(grades k-5)	★	1-day susp. or parent shadow	3-day susp.	5-day susp.
(grades 6-12)	3-day susp.	5-day susp.	expulsion	
24. <b>Fireworks, Use</b> – Using any substance, combination of substances or articles prepared to produce a visible or audible effect by combustion, explosion, deflagration or detonation.				
(grades k-5)	★	3-day susp.	5-day susp.	expulsion
(grades 6-8)	3-day susp.	5-day susp.	expulsion	
(grades 9-12)	5-day susp.	expulsion		
25. <b>Gambling</b> – Playing a game of chance for stakes.				
(grades k-5)	★	★	★	1-day susp. or parent shadow
(grades 6-8)	★	★	1-day susp.	3-day susp.
(grades 9-12)	★	1-day susp.	3-day susp.	5-day susp.

•VSB – violent student behavior see page 14

★ – see page 12

(continued on next page)

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
26. <b>Harassment</b> – Participating in or conspiring with others to engage in acts that injure, bully, degrade, intimidate or disgrace other individuals, including indecent exposure, displaying pornography, and harassing words or actions that negatively impact on an individual or group because of their characteristics, including through the use of electronic communication . Harassment based upon an individual or group’s sex, race, color, creed, religion, disability, national origin, marital status, age, sexual orientation, or public assistance status shall also be handled in accordance with 503.4AR, Harassment, Discrimination, Violence or Hazing by a Student.				
(grades k-3)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 4-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	★	1-day susp.	5-day susp.	expulsion
(grades 9-12)	1-day susp.	3-day susp.	5-day susp.	expulsion
27. <b>Hazing</b> – 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, including through the use of electronic communication. Hazing shall also be handled in accordance with 503.4AR, Harassment, Discrimination, Violence or Hazing by a Student.				
(grades 6-8)	1-day susp.	3-day susp.	5-day susp.	expulsion
(grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
28. <b>Insubordination</b> – Willful refusal to follow an appropriate direction given by a staff member.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	expulsion
29. <b>Incendiary Devices</b> – Unauthorized possession or igniting of matches, lighters and other devices that produce flames.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	1-day susp.	3-day susp.	5-day susp.	expulsion
Igniting Combustibles, Intentional – Intentionally igniting combustible liquids or other items that cause disruption or unsafe environment (grades 9-12).	1-day susp.	5-day susp. and •VSB	expulsion and •VSB	

•VSB – violent student behavior see page 14

★ – see page 12

(continued on next page)

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
<b>30. Interference, Disruption or Obstruction</b> – Any action taken to attempt to prevent one or more staff members or students from exercising their assigned duties, including through the use of electronic communication.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	expulsion
<b>31. Lewd Behavior</b> – sexual conduct that is considered indecent or offensive (grades 6-12).	3-day susp.	5-day susp.	expulsion	
<b>32. Nuisance Devices</b> – Causing a nuisance with objects that cause distractions, such as MP3 players (iPods), pagers, radios, headsets, cellular phones, universal remote controls, laser pointers, etc. Use of cameras, cellular phones or other devices for photographic, audio, video or digital recording without staff permission is prohibited.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-12)	★	1-day susp.	3-day susp.	5-day susp.
<b>33. Pornography</b> – Possessing, creating or accessing sexually explicit material, including sexting, or through the use of other electronic communication.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	5-day susp.
<b>34. Propping, Rigging or Disabling a Secure Door</b> – Any action which causes a door to be unsecured in order to facilitate subsequent re-entry.				
(grades k-8)	★			
(grades 9-12)	★	1-day susp.	3-day susp.	
<b>35. Records or Identification Falsification</b> – Falsifying signatures, data, or school documents, or refusing to give proper identification or giving false information to a staff member.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	5-day susp.

<b>MISBEHAVIORS (continued)</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
<b>36. Robbery or Extortion</b> – Obtaining property from another person where his or her consent was induced by use of force, threat of force or under false pretenses, including through the use of electronic communication.				
(grades k-5)	★ and restitution	1-day susp. and restitution <b>or</b> parent shadow and restitution	3-day susp. and restitution	5-day susp., restitution and •VSB
(grades 6-8)	3-day susp. and restitution	5-day susp., restitution and •VSB	expulsion, restitution and •VSB	
(grades 9-12)	expulsion, restitution and •VSB			
<b>37. Sexual Violence</b> – 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. (For more information, refer to 503.4AR, Harassment, Discrimination, Violence or Hazing by a Student.)				
(grades 6-8)	5-day susp. and •VSB	expulsion and •VSB		
(grades 9-12)	expulsion and •VSB			
<b>38. Technology-Related</b>				
Non-school use of technology (grades 6-12)	★	★	1-day susp.	
Unauthorized adding or altering of hardware/software on a workstation or server (damage of property) (grades 6-12)	3-day susp. and restitution	5-day susp. and restitution	expulsion and restitution	
Possession of obscene, vulgar or sexually explicit material using technology (pornography), including sexting, or through the use of any electronic communication or device (grades 6-12).	★	3-day susp.	5-day susp.	5-day susp.
Unauthorized access or activity in a secured area of computer or network (trespassing) (grades k-5)	★	★	1-day susp. or parent shadow	3-day susp.
Unauthorized access or activity in a secured area of computer or network through the use of any electronic communication or device (trespassing) (grades 6-12).	3-day susp.	5-day susp.	expulsion	
Other violations of 503.7AR, Acceptable Use of Information Technology - Students (grades 6-12)	★	★	1-day susp.	

•VSB – violent student behavior see page 14

★ – see page 12

(continued on next page)

<b>MISBEHAVIORS (continued)</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
38A. Cyberbullying – Inappropriate use of technology such as, but not limited to, personal websites or webpages where other students and/or school staff members are verbally abused, verbally assaulted, bullied, defamed, threatened, harassed or terrorized and the conduct impacts the ability of the school to maintain order and discipline, including through the use of other various electronic communication. Discipline may result whether the conduct takes place from a personal or school computer or another electronic device, or during or after school hours. Students may also be disciplined under other qualifying categories listed within this document. (grades 6-12).	★	1-day susp.	3-day susp.	5-day susp.
39. <b>Terroristic Threat</b> – 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, including through the use of electronic communication.				
(grades k-5)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
(grades 6-8)	5-day susp. and •VSB	expulsion and •VSB		
(grades 9-12)	expulsion and •VSB			
40. <b>Theft, or Knowingly Receiving or Possessing Stolen Property</b> – Unauthorized taking of the property of another person or receiving or possessing such property. (For more information about theft related to the use of information technology, refer to 503.7AR, Acceptable Use of Information Technology - Students.)				
(grades k-5)	★ and restitution	★ and restitution	1-day susp. and restitution <b>or</b> parent shadow and restitution	3-day susp. and restitution
(grades 6-8)	1-day susp. and restitution	3-day susp. and restitution	5-day susp. and restitution	expulsion and restitution
(grades 9-12)	3-day susp. and restitution	5-day susp. and restitution	expulsion and restitution	
Theft or Knowingly Receiving or Possessing Stolen Property – with a value over \$500 (grades 9-12)	5-day susp. and restitution	expulsion and restitution		
Theft or Knowingly Receiving or Possessing Stolen Property – with a value over over \$1,000 (grades 9-12)	expulsion and restitution			

•VSB – violent student behavior see page 14

★ – see page 12

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
41. <b>Tobacco</b> – Possessing, using or distributing tobacco in district buildings, on district grounds, in district vehicles or at district events in violation of 406.5AR, Tobacco-Free Environment and Minnesota Statute 609.685.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	1-day susp.	3-day susp.	5-day susp.	5-day susp.
42. <b>Trespassing</b> – 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.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	3-day susp.	5-day susp.	expulsion	
43. <b>Vehicle, Unauthorized Use</b> – Occupying or using vehicles during school hours without school authorization.				
(grades 9-12)	1-day susp.; may include revocation of parking permit	3-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit
44. <b>Weapon or Look-alike Weapon, Possession</b> – Possessing any firearm, whether loaded or unloaded, or any device intended to look like a firearm; any knife; any device or instrument designed as a weapon and capable of producing severe bodily harm, or intended to look like a device or instrument capable of producing severe bodily harm; or any other device, instrument or substance, which, in the manner in which it is used or intended to be used, is calculated or likely to produce severe bodily harm or looks like it is calculated or likely to produce severe bodily harm.				
Look-alike weapon possession (grades k-5)	★	1-day susp.	3-day susp.	5-day susp. and •VSB
Weapon, possession (grades k-5) <i>(NOTE: State law requires expulsion if the weapon is a firearm.)</i>	★ to expulsion and •VSB			
Weapon or look-alike weapon, possession (grades 6-12)	expulsion and •VSB			

•VSB – violent student behavior see page 14

★ – see page 12

## **Student Transportation: Behavior Expectations**

Riding a school bus is a privilege, not a right. To help ensure the safety of students, transportation employees and other motorists, students are expected 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, 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 are allowed to bring other items on the bus that can be held on the student's lap or at his/her seat in a safe manner as long as it does not displace another student. Items such as skateboards, roller blades, ice skates, bats, etc. are allowed on the bus when stored in an appropriate bag/container so as to prevent injury to bus passengers. Items that are longer than 39 inches (the height of the bus seat back) are prohibited without approval from the Transportation Department. Students who violate these or other district policies and regulations while riding in a district vehicle or at a school bus stop will be disciplined in accordance with student behavior rules outlined in board policy and reviewed in this handbook and may be denied transportation privileges in addition to the consequences listed.

The bus driver is responsible for maintaining appropriate student behavior on the bus and is authorized to assign students to specific seats. Once students board the bus they must remain on the bus until they have reached their school or designated stop. The driver will report students who violate the rules to the student's school principal or the Transportation Department student conduct specialist.

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' conversations and actions may be recorded on video/audio tape. The use of video cameras is intended to decrease student misbehavior and allow safe bus operation for students, drivers and other motorists. Students are expected not to engage in the following activities in district vehicles.

MISBEHAVIORS IN DISTRICT VEHICLES	1st Offense	2nd Offense	3rd Offense	4th Offense
45. <b>Eating/Drinking on the Bus</b> – Due to the dangers of choking and of allergic reactions to food, eating and drinking are not allowed on the bus.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
46. <b>Improper Boarding or Departing</b> – Getting on or off the bus in a manner which could cause injury to self or others.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
47. <b>Not Remaining Seated</b> when the bus is in motion (as required by Minnesota Statute 169.447), including not keeping hands, arms, legs and head inside the bus.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
48. <b>Pushing, Shoving or Scuffling</b> (resulting in injury)				
(grades k-3)	★	★	★	1-day bus susp.
(grades 4-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.

<b>MISBEHAVIORS IN DISTRICT VEHICLES (continued)</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
<b>49. Tampering With Emergency or Safety Equipment –</b> 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.				
(grades k-5)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
(grades 6-12)	1-day bus susp.	3-day bus susp.	5-day bus susp.	expulsion from bus
<b>50. Throwing, Shooting or Spraying of Objects or Propellants –</b> Throwing or shooting any items inside a bus, from outside to inside or from inside to outside a bus. Any spraying of propellants such as cologne, paint, etc. while on the bus.				
(grades k-5)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
(grades 6-12)	★	3-day bus susp.	5-day bus susp.	expulsion from bus
<b>51. Use of Nuisance Devices on a School Bus –</b> Using nuisance devices (such as laser pointers and cellular phones) on a school bus in a way that disrupts the safe transportation of students and/or endangers students or employees.				
(grades k-5)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
(grades 6-12)	3-day bus susp.	5-day bus susp.	expulsion from bus	
<b>52. Smoking of Tobacco or Other Substances –</b> Smoking tobacco or other substances while on the school bus.				
(grades k-5)	1-day bus susp.	3-day bus susp.	5-day bus susp.	expulsion from bus
(grades 6-12)	3-day bus susp.	5-day bus susp.	expulsion from bus	

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

## ***Special Education Students: Consequences for Misbehavior***

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

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

### ***In-School Suspension (ISS)***

A special education student may receive ISS.

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

A special education student may receive OSS for no more than 10 consecutive school days in accordance with applicable federal law. An IEP team meeting must be held within 10 school days of an OSS when the student is removed from his or her current placement for five or more consecutive school days, or when the student's total days of removal from his or her placement during the school year exceeds 10 cumulative days in a school year.

If a student's total days of removal from school exceeds 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 removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student. (The district will not pay for the assessment unless it is part of an assessment for special education purposes.) The purpose of the meeting shall be to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed to determine whether the student needs treatment for a mental health disorder.

After 10 total days of cumulative absence in a school year, a functional behavioral assessment will also take place. A written notice of the meeting will be sent to the student's parent or guardian. The IEP team will:

- Conduct a review of the relationship between the student's disability and the behavior subject to disciplinary action;
- Determine the appropriateness of the student's education plan, and
- Review the student's IEP and amend the goals and objectives or develop an alternative IEP.

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 the appropriate due process.

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***

An expulsion or exclusion is initiated with an out-of-school suspension. Before proceeding with an expulsion or exclusion, the district must initiate a review of the student's individual education plan (IEP), review the relationship between the student's disability and the behavior subject to disciplinary action, determine whether the behavior resulting in proposed expulsion or exclusion was a manifestation of the student's disability and determine the appropriateness of the student's education plan. A written notice of the meeting and a notice of suspension will be sent to the student's parent(s) or guardian(s). The IEP team will:

- Determine whether the misconduct is a manifestation of the student's disability;
- Review any assessments and determine the need for further assessment, and
- Review the IEP and amend the goals and objectives or develop an alternative IEP.

If the team determines that the incident is a manifestation of the student's disability, an OSS may still take place, and expulsion or exclusion may not take place. However, the district may use due process procedures to propose a change in the student's IEP and placement.

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.

*(continued on next page)*

## **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 dangerous weapon as defined in federal law; has, uses, solicits sale of or sells medications or illegal drugs; or causes serious bodily injury upon another person, the following course of action may be followed.

If the IEP team determines 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 school days;
- If the conduct does not meet the above criteria, the district may request a local 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 appropriate circumstances. School staff members shall neither request nor interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts will be made to inform a student's parent or guardian of the involvement of law enforcement.

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

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

## **Special Education Students: Consequences for Misbehavior in District Vehicles**

The following information applies to special education students who have a behavioral disability or who have behavioral problems related to another disability.

The student's principal will respond to misbehavior of early childhood-grade 5 students. The Transportation Department student conduct specialist, in consultation with the appropriate school administrators, will respond to the misbehavior of students in grades 6-12.

**First Offense** – The driver warns the student, discusses the behavior with the student and documents the discussion.

**Second Offense** – The driver gives the student a check mark, discusses the behavior with the student and documents the discussion.

**Third Offense** – The driver writes a referral, discusses the referral with the student and gives the referral to the student's principal (early childhood-grade 5) or to the student conduct specialist (grades 6-12).

After receiving a referral, the principal or student conduct specialist contacts the student's individual education plan (IEP) case manager to review the incident and, taking the IEP into consideration, determines the proper intervention. The principal or student conduct specialist makes sure that the student's parent(s) or guardian(s) are informed of the outcome of the discussion by telephone and with a letter.

If a decision is made to suspend a student's bus riding privileges and/or to suspend or exclude a student from school, the principal or student conduct specialist contacts the student's IEP case manager to make sure that appropriate due process is followed. The principal or student conduct specialist also contacts the special education coordinator if additional support is needed.

**Determining Consequences of Misbehavior** – The principal or student conduct specialist determines, in consultation with the IEP case manager, whether the misbehavior is caused by or is a result of the student's disability.

If the misbehavior may have been caused by or be a result of the student's disability, the misbehavior will be addressed within the scope of programmatic or managerial strategies, as deemed appropriate by the child study team. This does not, however, prevent the principal or student conduct specialist from taking interim measures, which may be necessary for the immediate protection of persons or property.

If the misbehavior was not caused by nor was a result of the student's disability, the principal or student conduct specialist will determine an appropriate course of action.

**Misbehavior While Being Bused to a Non-District 196 Site** – When a student misbehaves who is bused to a site other than a District 196 school, the district Special Education Department will contact the parent(s) or guardian(s) and will inform the principal or student conduct specialist about the disposition of the matter.

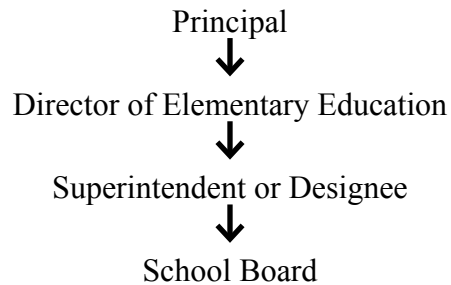
**In-Transit Behavior Emergency** – If there is an emergency related to the behavior of a special education student while in transit on a school bus, the driver will contact the student conduct specialist, the special education coordinator who serves as the liaison to the Transportation Department or the transportation safety/driver trainer.

## **Resolving Concerns**

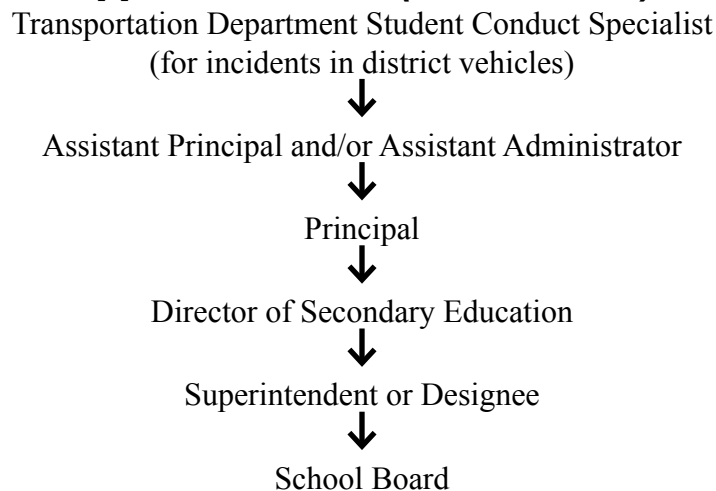
Students who are concerned about a specific disciplinary action or student conduct violation may consult with their parent(s) or guardian(s), teachers and/or student support services staff (counselors, psychologists, etc.) to informally resolve the concern. If the concern cannot be resolved using these informal channels, students and parent(s) or guardian(s) may appeal their concerns through the channels listed in the appeals process shown below. (Students, parent[s] and guardian[s] are expected to appeal concerns in the order indicated by the arrows.)

All district employees are expected to deal with students in a firm, fair and consistent fashion, to treat all students with respect and to recognize individual differences among students.

### **Appeals Process (Grades k-5)**



### **Appeals Process (Grades 6-12)**



## **Search and Seizure**

If the school administration has a 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, including cell phones and vehicles, 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. Searches will be limited to circumstances in which there is reasonable suspicion that the search will produce evidence of the suspected misconduct.

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

A general search of school properties including, but not limited to, lockers, computers or desks, may occur at any time, and items belonging to the school may be seized. (See below for more information regarding school lockers.) Schools may use specially trained dogs to detect and alert officials to the presence of prohibited items and illicit substances in lockers, common areas and/or school parking areas. If a dog alerts to an item in a locker or a vehicle, it may be searched by school officials.

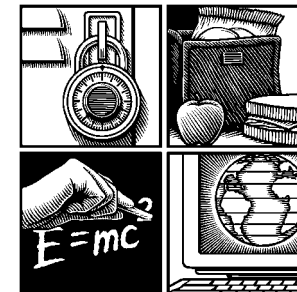
All items seized will be given to the proper authorities or returned to the true owner.

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

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

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

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



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

### **Grounds for Dismissal**

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

- Willful violation of any district policy or regulation, or school or classroom rule. Such regulations must be clear and definite to provide notice to students that they must conform their conduct to those requirements.
- Willful conduct that significantly disrupts the right of others to an education, or the ability of school personnel to perform their duties, or school-sponsored curricular activities.
- 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” (ISS) is defined as any action taken by a teacher, principal or other district employee to prohibit a student from attending more than one class and/or activity period for a period of time not to exceed five days.

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

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

- The decision for removal or ISS will be made by the principal or his or her designee. The student will be notified verbally. The parent(s) or guardian(s) will be notified by telephone or first class U.S. mail.
- The student will be removed from class or receive ISS without an informal administrative conference if he or she exhibits willful conduct which materially and substantially disrupts the right of others to an education or willful conduct which endangers district employees, the student or other students or school property.
- The school retains custody of the student during the removal from class or ISS. The principal or his or her designee is responsible for the student who has been removed from class or suspended.
- Students will return to class upon completion of the removal or suspension period.
- After a student has been removed from class more than 10 times in one school year, the school shall notify and meet with the student’s parent or guardian to discuss the problem that is causing the student to be removed from class.

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

The administration may suspend a student from school when necessary. Before any out-of-school suspension (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 OSS begins, the school administration shall attempt to provide alternative educational services except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

When a student is suspended for more than one day, the student shall have an informal administrative conference before the suspension except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension.

At or before the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension and provide an explanation of the evidence the authorities have, and the student may present the student’s version of the facts.

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

- A written notice containing the grounds for suspension;
- A brief statement of the facts;
- A description of the testimony;
- A readmission plan;
- A copy of Minnesota Statutes 121A.40 to 121A.56, and
- Appropriate alternative educational services (when the suspension exceeds five days). (Alternative educational services may include, but are not limited to: special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised

*(continued on next page)*

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 exceeds 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 removing the student from school, and with the permission of the parent or guardian arrange for a mental health screening for the student. (The district will not pay for the assessment unless it is part of an assessment for special education purposes.) The purpose of the meeting shall be to attempt to determine the student's need for assessment, other services, or whether the parent or guardian should have the student assessed to determine whether the student needs treatment for a mental health disorder.

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 School Board 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(s) or guardian(s) 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 School Board, student, or parent(s) or guardian(s).

- The School Board may appoint a hearing officer for exclusion or expulsion of students.
- The superintendent shall designate the site of hearings. Clerical assistance and supplies expenses shall be borne by the district.
- The hearing shall be at a time and place reasonably convenient to the student and parent(s) or guardian(s).
- The hearing shall be closed unless the student, or parent(s) or guardian(s) request an open hearing.
- The student shall have a right to a representative of his or her own choosing, including legal counsel.
- The hearing shall take place before an independent hearing officer, a member of the School Board, a committee of the board or the full board, as determined by the School Board.
- The hearing shall be conducted in a fair and impartial manner.

(continued on next page)

- The School Board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
- Testimony shall be given under oath. The hearing officer or a member of the board shall have the power to issue subpoenas and administer oaths.
- At a reasonable time before the hearing, the student, parent(s) or guardian(s), or his or her representative shall be given access to all public school district records pertaining to the student, including any tests or reports upon which the proposed action may be based.
- The student, parent(s) or guardian(s), or his or her representative shall have the right to compel the attendance of any official employee or agent of the district or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and cross-examine any witness testifying for the district.
- The student, parent(s) or guardian(s), or his or her representative shall have the right to present evidence and testimony, including expert psychological or educational testimony.
- The student cannot be compelled to testify in the dismissal proceedings.
- A copy of the hearing record will be made available to the student or his or her parent(s) or guardian(s) or representative in transcript form as determined by the School Board 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.

(continued on next page)

**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 through the electronic reporting system.

- 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 report must also include the student's age, grade, gender, race and special education status.
- 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.

**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 Minnesota Statute 120B.232, subd. 1, requiring parental involvement in the admission or readmission process, and indicating the consequences to the student of not improving his or her behavior.

---

**School Board**

*Joel Albright*

*Art Coulson*

*Rob Duchscher*

*Jackie Magnuson*

*Mike Roseen*

*Kevin Sampers*

*Bob Schutte*

*Jane K. Berenz, Superintendent*

**Independent School District 196**

**3455 153rd St. West**

**Rosemount, MN 55068-4946**

**651-423-7700**

**[www.district196.org](http://www.district196.org)**

*Serving all or part of the cities of  
Apple Valley, Burnsville, Coates, Eagan  
Inver Grove Heights, Lakeville, Rosemount, and  
Empire and Vermillion Townships*

INDEPENDENT SCHOOL DISTRICT



**Rosemount-Apple Valley-Eagan  
Public Schools**

3455 153rd St. West  
Rosemount, MN 55068-4946

Non-Profit Org.  
U.S. Postage  
**PAID**  
Rosemount, MN  
Permit No. 1

**IMPORTANT  
Student Information  
Inside**

**Please  
Review and  
SAVE**