



17267 Yale Street NW
Elk River, MN
763-595-1213
admin@threeriversmontessori.org

502 Student Behavior and Discipline Policy

Number: 502
Date Created: 03/25/2020
Adopted: 05/01/2020
Reviewed: 10/22/2024
Adopted: 11/19/24

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with Three Rivers Montessori School's (TRM) expectations for student conduct. Such compliance will enhance the school district's ability to maintain discipline and ensure that there is no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT OF POLICY

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

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

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

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. It is the position of the school district that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. The TRM Board of Directors, School Director, teachers, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of TRM. This discipline policy is adopted in accordance with and subject to the

In view of the foregoing and in accordance with Minnesota Statute section 121A.55, the school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school district.

III. AREAS OF RESPONSIBILITY

1. THE BOARD OF DIRECTORS .The TRM Board of Directors holds all school personnel responsible for the maintenance of order within the school and supports all personnel acting within the framework of this discipline policy.

2. SCHOOL DIRECTOR. The School Director shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The School Director shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. The Director is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final approval by the Board of Directors. The Director shall give direction and support to all school personnel performing their duties within the framework of this policy. The Director shall consult with parents of students conducting themselves in a manner contrary to the policy. The Director shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. Any staff member, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent bodily harm or death to another. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.

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

4. OTHER SCHOOL DISTRICT PERSONNEL. All district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the director. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent bodily harm or death to another.

5. PARENTS OR LEGAL GUARDIANS. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

6. STUDENTS. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

7. COMMUNITY MEMBERS. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

IV. REASONABLE FORCE STANDARD

1. 121A.582 STUDENT DISCIPLINE; REASONABLE FORCE

- a. Subdivision 1. Reasonable force standard.
 - i. A teacher or school principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
 - ii. A school employee, school bus driver, or other agent of a district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
 - iii. Paragraphs (a) and (b) do not authorize conduct prohibited under section 125A.0942.
- b. Subdivision 2. Civil liability.
 - i. A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a civil action for damages under section 123B.25.
 - ii. A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a civil action for damages under section 123B.25.
- c. Subd. 3. Criminal prosecution.
 - i. A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a criminal prosecution under section 609.06, subdivision 1.
 - ii. A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a criminal prosecution under section 609.06, subdivision 1. §
- d. Subd. 4. Supplementary rights and defenses.
 - i. Any right or defense in this section is supplementary to those specified in section 121A.58, 121A.67, 123B.25, or 609.06, subdivision 1.

2. REASONABLE FORCE STANDARD REPORTING

- a. The school district must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent

with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).

- b. Beginning with the 2024-2025 school year, the school district must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
- c. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

V. STUDENT RIGHTS

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

VI. STUDENT RESPONSIBILITIES

All students have the responsibility:

1. For their behavior and for knowing and obeying all school rules, regulations, policies and procedures;
2. To attend school daily, except when excused, and to be on time to all classes and other school functions;
3. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
4. To make necessary arrangements for making up work when absent from school;
5. To assist the school staff in maintaining a safe school for all students;
6. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accordance with them;
7. To assume that until a rule or policy is waived, altered, or appealed, it is in full force and effect;
8. To be aware of and comply with federal, state, and local laws;
9. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as

appropriate;

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

11. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;

12. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;

13. To conduct themselves in an appropriate physical or verbal manner; and

14. To recognize and respect the rights of others.

VII. CODE OF STUDENT CONDUCT

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

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;

2. The use of profanity or obscene language, or the possession of obscene materials;

3. Gambling, including, but not limited to, playing a game of chance for stakes;

4. Hazing;

5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;

6. Opposition to authority using physical force or violence;

7. Using, possessing, or distributing tobacco or tobacco paraphernalia;

8. Using, possessing, distributing, or being under the influence of alcohol or other intoxicating substances or look-alike substances;

9. Using, possessing, distributing, or being under the influence of narcotics, drugs, or other control substances, or other look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student;
10. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
11. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
12. Violation of the school district Weapons Policy;
13. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
14. Possession, use, or distribution of explosives or any compound mixture, the primary or common purpose or intended use of which is to function as an explosive;
15. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation;
16. Using an ignition device, including butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
17. Violation of any local, state, or federal law as appropriate;
18. Acts disruptive of the educational process including but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
19. Possession of nuisance devices or objects which cause distractions and may facilitate cheating including, but not limited to, cell phones, iPads/kindles, and watch devices that send/receive texts and phone calls, etc.;
20. Violation of school bus or transportation rules or the school bus safety policy;
21. Violation of parking or school traffic rules and regulations including, but not limited to, driving on school property in such a manner as to endanger persons or property;
22. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
23. Use of a cell phone in violation of the school district's Internet Acceptable

Use and Safety Policy

24. Possession or distribution of slanderous, libelous, or pornographic materials;

25. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message that is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by a minor, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;

26. Criminal activity;

27. Violation of the school districts' Bullying Prohibition Policy;

28. Falsification of any records, documents, notes, or signatures;

29. Tampering with, changing, or altering records or documents of the school district by any method including, but not limited to, computer access or other electronic means;

30. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;

31. Impertinent or disrespectful language toward teachers or other school district personnel;

32. Sexual and/or racial abuse and/or harassment;

33. Actions including fighting or any other assaultive behavior that causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other school district personnel, or other persons;

34. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;

35. Violations against persons including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;

36. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating, that degrades other people or threatening to school property;

37. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;

38. Inappropriate, abusive, threatening, or demeaning actions based on

race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation;

39. Violation of school rules, regulations, policies, or procedures; and

40. Other acts as determined by TRM which
- a. are disruptive of the educational process;
 - b. are dangerous or detrimental to the student or other students, school personnel, or surrounding persons;
 - c. violate the rights of others;
 - d. damage or endanger the property of the school; and/or
 - e. otherwise interfere with or obstruct the mission or operations of TRM or the safety or welfare of students or employees.

VIII. RECESS AND OTHER BREAKS

1. "Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.
2. The school district is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, the director, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.
3. The school district must not use recess detention unless:
 - a. a student causes or is likely to cause serious physical harm to other students or staff;
 - b. the student's parent or guardian specifically consents to the use of recess detention; or
 - c. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
4. The school district must not withhold recess from a student based on incomplete schoolwork.
5. The school district must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.
6. The school district must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. The school district is encouraged to use the data in professional development promoting the use of non exclusionary discipline.
7. The school district must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district or school's existing responsibilities under Minnesota Statutes, section 124D.111 or other state or federal law.

IX. DISCIPLINARY ACTION OPTIONS

It is the general policy of TRM to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the school. At a minimum, violation of school rules, regulations, policies, or procedures will result in discussion of the violation including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school district. Disciplinary action may include, but is not limited to, one or more of the following:

1. Student conference with teacher, the School Director and/or other school personnel;
2. Confiscation by school district personnel and/or by law enforcement of any item, article, object or thing, prohibited by, or used in the violation of, any school district policy, rule, regulation, procedure, or state or federal law. If confiscated by the school district, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.
3. Verbal warning;
4. Parent contact;
5. Parent conference;
6. Removal from class;
7. In-school suspension;
8. Suspension from extracurricular activities;
9. Detention or restriction of privileges;
10. Loss of school privileges;
11. In-school monitoring or revised class schedule;
12. Referral to in-school support services;
13. Referral to community resources or outside agency services;
14. Financial restitution;
15. Referral to police, or other law enforcement agencies, or other appropriate authorities;
16. A request for a petition to be filed in district court for juvenile delinquency adjudication;
17. Out-of-school suspension under the Pupil Fair Dismissal Act;

18. Preparation of an admission or readmission plan;
19. Expulsion under the Pupil Fair Dismissal Act;
20. Exclusion under the Pupil Fair Dismissal Act; and/or
21. Other disciplinary action as deemed appropriate by the school district.
22. Restorative practices.

X. BEHAVIOR MATRIX

Staff and students work together to help every person reach their fullest potential - academically, socially, physically, and emotionally. We strive to teach appropriate conduct and personal responsibility using an equal balance of logical consequences, problem solving, and restitution. Students are expected to own their behaviors and solve their problems with adult guidance. Behavior which helps someone grow and mature will be encouraged. Behavior which interferes with another person's growth or rights will not be tolerated.

A behavior matrix was created to provide positive procedures in a school community, and training of staff to help build positive relationships with students to facilitate effective classroom management and ultimately a positive learning environment.

A behavior matrix is designed to support students with the essential behavior along with social-emotional skills to be successful learners. The matrix defines clear learning and behavior expectations and leverages restorative practices to promote positive learning experiences for students.

Level one behaviors are considered to be those that are disruptive to the school environment of the student's self and/or others.

Level two behaviors are considered to be those that are repeated or significant level one infractions that are disordered behaviors toward another student, staff, volunteer, etc.

Level three behaviors are considered to be those that are repeated or significant level two infractions that are targeted at others and interfere with safety and/or destruction of property.

Level four behaviors are considered to be those that may be identified as expellable offenses.

LEVEL ONE

DEFINITION:

1. Behavior that is disruptive to the school environment of students or others.
2. Refusal to comply with reasonable requests
3. Behavior that is generally managed with a brief intervention by an adult present in that setting

Examples include name calling, non-verbal disrespect, inappropriate language, inappropriate behavior, inappropriate use of personal electronics, out of assigned area, and accessing non-educational online content.

BEHAVIOR STRATEGIES, INTERVENTIONS & RESPONSES

Classroom teachers will select and implement strategies or interventions and responses that maintain the continuity of the student's instruction or are least disruptive. A student's IEP or 504 Plan will be reviewed prior to implementing interventions and responses. The Classroom Teacher will be in communication with the student's parent/guardian about recurrent behaviors and interventions.

<i>Intervention/Response Category</i>	<i>Example Interventions and Responses</i>
Category A: Reteach Behavior Skills	● Reminder/redirection and modeling of classroom routines and rituals ● Reminder/redirection and modeling on ways to manage emotions ● Reminder/redirection and modeling on appropriate classroom language ● Reminder/redirection and modeling on ways to ask for help or solve problems
Category B: Implement Restorative Practices	● Quick individual skill coaching and modeling ("Who/what was harmed?", "How can we repair...?")
Category C: Create Action Plan or Provide Consequence	● Review behavior management plan as applicable including social skills teaching and reinforcement ● Classroom/non-classroom supports ● Seat change or assigned seating ● Establish a plan for homework and assignment expectations and completion ● Consult with colleagues
Category D: Optional Administrative Actions that May Result in Removal from Instruction	There are no Category D responses for level one behaviors

LEVEL TWO

DEFINITION

1. Repeated or significant incident(s) of level one infractions
2. Disordered behavior toward another student, staff, volunteer, etc.
3. Behavior that is generally managed with a brief intervention by an adult present in that setting and may include additional brief contact with support staff.

Examples include swearing at another person, electronic-based aggression,

insubordination, accessing inappropriate material online, inappropriate social networking content, disrespect directed toward others, cheating, and dress code violation.

BEHAVIOR STRATEGIES, INTERVENTIONS & RESPONSES

Classroom teachers with possible collaboration from administration will select and implement strategies/interventions and responses that maintain the continuity of the student's instruction or are least disruptive. A student's IEP or 504 Plan will be reviewed prior to implementing interventions and responses. Classroom Teacher will be in communication with the student's parent/guardian about recurrent behaviors and interventions and may consider the use of interventions from multiple categories, as appropriate. The student's related incident report(s) and behavior will be documented in JMC.

Intervention/Response Category	Example Interventions and Responses
Category A: Reteach Behavior Skills	• Reteach and model classroom routines and rituals • Individual skills coaching and modeling for targeted student and aggressor in bullying/harassment incidents • Skills practice and role play • Self-charting of behaviors • Reteach ways to ask for help, solve problems, or manage emotions
Category B: Implement Restorative Practices	• Guided conversations using restorative questions • Restorative back-to-class plan • Reflective essay • Community service (as restitution) • Peer mediation (not to be used for bullying/harassment incidents)
Category C: Create Action Plan or Provide Consequence	• Develop a student skill plan • Use of an alternate instruction room • Detention • Formalize a check-in/out plan with adult • Initiate behavior intervention plan • Possible student assistance team referral, consult with building specialist
Category D: Optional Administrative Actions that May Result in Removal from Instruction	• Office referral; administrator determines additional responses • In school removal from instruction (in school suspension)

LEVEL THREE

DEFINITION

1. Repeated or significant incident(s) of level two infractions
2. Behaviors that involve safety issues
3. Behaviors targeted at or targeting others
4. Behaviors interfering with safety equipment or destruction of property

Examples include terroristic threats; possession of drug paraphernalia; physical assault and/or fighting; threats or intimidation; (cyber) bullying; dress code violation that supports hate, gang, or drug affiliations; harassment; major theft or vandalism; possession of stolen property; discrimination; alcohol; possession or use of tobacco on school grounds; extortion; substance impairment; and sexting (dependent on severity of creating, viewing, storing, or sharing).

BEHAVIOR INTERVENTIONS & RESPONSES

Administration will select and implement interventions and responses that maintain the continuity of the student's instruction or are least disruptive. A student's IEP or 504 Plan will be reviewed prior to implementing interventions and responses.

Administration will be in communication with the student's parent/guardian behaviors and interventions and may consider the use of interventions from multiple categories, as appropriate. The student's related incident report(s) and behavior will be documented in JMC.

Intervention/Response Category	Example Interventions and Responses
Category A: Reteach Behavior Skills	● Individual coaching by licensed support staff ● Small group skills instruction ● Lessons in anger management, conflict resolution, etc.
Category B: Implement Restorative Practices	● Restorative back-to-class plan ● Neutral party mediation ● Family Group Conference ● Restitution for property incidents
Category C: Create Action Plan or Provide Consequence	● Provide Consequence ● Consultation with related district subject matter experts (emergency management or security, counseling, equity and diversity, and student support services) ● Refer to or review with student assistance team ● Consultation with related district resources (school social worker, school resource officer, behavior interventionist)
Category D: Optional Administrative	● In school removal from instruction (in

Actions that May Result in Removal from Instruction	school suspension) ● Out of school removal from instruction (out of school suspension) not to exceed 10 days. ● Re-entry meeting with parent, student (when appropriate), and school personnel will be required to develop a plan.
---	--

LEVEL FOUR

DEFINITION

1. Behaviors identifiable as expellable offenses
2. Repeated or significant incident(s) of level three infractions
3. Behaviors that involve safety issues
4. Behaviors targeted at or targeting others - Examples include arson; pyrotechnics; bomb threats or incendiaries; drug and/or alcohol sale or intent to sell; severe physical assault; sexual assault; possession or use of weapons; sexting (dependent on severity of creating, viewing, storing, or sharing).

BEHAVIOR INTERVENTIONS & RESPONSES

Administration will select and implement interventions and responses that maintain the continuity of the student's instruction or are least disruptive. A student's IEP or 504 Plan will be reviewed prior to implementing interventions and responses.

Administration will communicate with the student's parent/guardian about recurrent behaviors and interventions and may consider the use of interventions from multiple categories, as appropriate. The student's related incident report(s) and behavior will be documented in JMC.

Intervention/Response Category	Example Interventions and Responses
Category A: Reteach Behavior Skills	● Individual coaching by licensed support staff, possibly at a new site
Category B: Implement Restorative Practices	● Family group conference, possibly at a new site
Category C: Create Action Plan or Provide Consequence	● Consultation with related district resources (school social worker, school resource officer, behavior interventionist) ● Consultation with external support agencies ● Refer to or review with student assistance team
Category D: Optional Administrative Actions that May Result in Removal from Instruction	● Out of school removal from instruction (out of school suspension) not to exceed 10 days; 10 days if there is

	a recommendation for expulsion • Recommendation for expulsion • Consult with or refer to local law enforcement • Re-entry meeting with parent, student (when appropriate), and school personnel will be required to develop a plan.
--	---

THREATENING BEHAVIOR

A true threat is a statement made orally, in writing, or using another medium that would be perceived by a reasonable person to be a serious expression of intent to harm, commit assault, or damage school property.

REPORTING

Any student or employee who has knowledge of a threat shall report it to the school director. Failure to report a known threat may result in disciplinary consequences up to and including suspension for students and termination of employment for staff in accordance with policy, law, and, when applicable, the negotiated agreement.

THREAT ASSESSMENT

Upon receipt of a threat report, the building principal shall contact the superintendent and bring the building threat assessment team together. The team shall determine if the report constitutes a true threat as defined above and if, given the nature of the threat, it should be handled internally or turned over to law enforcement. The threat assessment may involve interviews with district staff, students, and parents. The team may, in accordance with the Family Educational Rights and Privacy Act and other applicable records laws, release threat assessment findings to law enforcement when deemed necessary. When law enforcement and/or the team, having considered the totality of the facts obtained through the threat assessment, verifies that a threat is true, the district shall take necessary and timely measures to safeguard students, staff, and district property.

DISCIPLINARY CONSEQUENCES FOR THREATENING BEHAVIOR

General Education Students:

A student who is found to have made a true threat will be subject to disciplinary measures, including, but not limited to, suspension and/or expulsion. When deemed to be a necessary safety precaution, the district may require alternative placement or appoint supervision during the periods of suspension and/or expulsion for threatening behavior.

Special Education and 504 Students:

Special education and 504 students found to have made a true threat will be disciplined in accordance with applicable policies and laws pertaining to the discipline of special education students.

Staff:

Employees found to have made a true threat shall be subject to disciplinary consequences up to and including termination of employment in accordance with policy, law, and, when applicable, the negotiated agreement. Students and employees may also be subject to the filing of criminal charges and/or referred to counseling services for treatment.

VIOLENT BEHAVIOR

The district prohibits all acts of violence and aggression, including, but not limited to, possession of a weapon or dangerous instrument, physical assault, vandalism of district property, stalking, gang affiliation and/or activity, or terroristic acts. Violators of this policy shall be subject to disciplinary consequences, determined by the seriousness of the act, including, but not limited to, expulsion for students, discharge for employees, and exclusion from school premises in accordance with applicable policy and law. In addition, the district may take legal action against the perpetrator. Students and employees may also be subject to the filing of criminal charges and/or referred to counseling services for treatment.

XI. REMOVAL OF STUDENTS FROM CLASS

Teachers have the responsibility of attempting to modify disruptive behavior by such means as conferring with the student, assigning a specific work spot in the classroom, using positive reinforcement, using redirection strategies, meeting with the School Director and/or other school personnel, and/or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" means any actions taken by a teacher, the School Director, or other TRM staff members, to prohibit a student from attending class or activity for a period of time not to exceed five (5) days.

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

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the

property of the school;

3. Willful violation of any school rules, regulations, policies, or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct that, at the discretion of the teacher or administration, requires removal of the student from class.

Such removal shall be for at least one (1) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

If a student is removed from class more than two (2) times in a school year, the school district shall notify the parent or legal guardian of the student's second removal from class and make reasonable attempts to convene a meeting with the student's parent or legal guardian to discuss the problem that is causing the student to be removed from class.

XII. PROCEDURES FOR REMOVAL OF A STUDENT FROM CLASS

1. Prior to removal from the classroom, the teacher, administrator, or other school staff is required to complete a cursory investigation of the facts involved, unless a situation has been directly observed or creates an immediate dangerous situation to the student or others. This investigation may include interviews with other children and staff members and is documented through the use of an Incident Report.
2. Should the staff member determine that the student should be removed from class, the staff member is required to have either the School Director, or a designee, sign the Incident Report to ensure that removal from the class is an appropriate measure given the circumstances of the case.
3. For every incident leading to removal from class, an Incident Report must be completed by the staff member who is enforcing the removal. This report must also be signed by the School Director or designee.

XII. CUSTODY OF AND EXPECTATIONS FOR A STUDENT REMOVED FROM CLASS

1. Students who are removed from the classroom will be placed under the supervision of a designated staff member. At the time of the incident, staff will determine if a parent/guardian should be contacted immediately as well as whether or not the student may remain at school.
2. The student will be escorted by a staff member to a designated location where the student may continue to work on school assignments under the supervision of a staff member;
3. The student will be provided directions on what the student is to do while removed;
4. When it is determined that the student may return to class, s/he may be escorted by the supervising staff member to ensure the student returns to class safely and appropriately and that the teacher is made aware of that student's return to the classroom.
5. Any communication regarding the student and his/her removal will take place as deemed necessary by school staff.

XIII. PROCEDURES FOR NOTIFICATION

1. Each Incident Report is sent home to all parents/guardians involved in the incident in question, regardless of assignment of "fault." The Incident Report will only show the name of the student and the follow up plan for the student and will not identify other students or follow up plans for other students who may be involved;
2. If deemed necessary, the lead classroom teacher will contact the student's parents/guardians within 24 hours of the reported incident to gain input from the parents/guardians as to the follow up plan and consequences. Parents/guardians may request a conference with the School Director should there be disagreement with the follow up plan and designated consequences to the student.

XIV. STUDENTS WITH DISABILITIES; SPECIAL PROVISIONS

1. Procedures for students with disabilities will be the same as for students not serviced by an IEP (Individual Education Plan), except that each incident leading to removal from class will be reviewed by the IEP team for a review of the adequacy of the current IEP within the time frame required by law; and
2. Repeated incidents requiring possible special education services intervention shall be referred to the Special Education Coordinator or designee for assessment purposes.

XV. PROCEDURES FOR DETECTING AND ADDRESSING CHEMICAL ABUSE PROBLEMS OF STUDENTS WHILE ON SCHOOL PREMISES

While Three Rivers Montessori School's student population does not represent an age group typically affected by chemical abuse problems, the Board is aware that even a young student population may present with chemical abuse issues. Should a TRM staff member suspect chemical abuse (that are not related to documented and proper use of prescription medications), that staff member is obligated to inform the School Directly immediately. Please refer to TRM's Chemical Use & Abuse Policy at www.threeriversmontessori.org for further information, including reporting procedures. A copy of this policy is also available in the school's main office.

XVI. DISMISSAL

1. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion, and suspension. Dismissal does not include removal from class.
 - a. The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.
 - b. The school district shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.
 - c. The school district must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil

Fair Dismissal Act. The policies must include non exclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.

d. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.

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

- a. Willful violation of any reasonable school regulation, including those found in this policy;
- b. Willful conduct that significantly disrupts the rights of others to an education, or the ability of the school personnel to perform their duties, or school-sponsored extracurricular activities; or
- c. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.

3. Suspension Procedures

- a. "Suspension" means an action by the school administration, under rules promulgated by the Board of Directors, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) days, the suspending administrator shall provide the Board of Directors with a reason for the longer term suspension. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability.
- b. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
- c. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. The school administration may not impose consecutive suspensions against the same student for that same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.

- d. In the case of a student with a disability, the student's Individual Education Plan (IEP) Team shall meet immediately but not more than ten (10) school days after the date on which the decision to remove the student from the student's current education placement is made. The Individual Education Plan Team shall, at the meeting, conduct a review of the relationship between the child's disability and the behavior subject to disciplinary action, and determine the appropriateness of the child's education plan. The requirements of the Individual Education Plan Team meeting apply when:
- i. The parent requests a meeting;
 - ii. The student is removed from the student's current placement for five (5) or more consecutive days; or
 - iii. The student's total days of removal from the student's placement during the school year exceed ten (10) cumulative days in a school year.
- e. The school administration shall implement alternative educational services when the suspension exceeds five (5) 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 assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center.
- f. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place 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 the informal administrative conference, a school administrator shall notify the student of the grounds for suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
- g. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, 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 mail within forty-eight (48) hours of the conference.
- h. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
- i. 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 surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
- j. Notwithstanding the foregoing provisions, the student may be suspended

pending the Board of Directors' decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

4. Expulsion and Exclusion Procedures

- a. "Expulsion" means a Board of Directors' action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date a student is expelled. The authority to expel rests with the school board.
- b. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the Board of Directors.
- c. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40- 121A.56.
- d. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
- e. The student and parent or guardian shall be provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of facts; a list of the witnesses and a description of their testimony; state the date, time, and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 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 or guardian of their right to:
 - i. Have a representative of the student's own choosing, including legal counsel at the hearing;
 - ii. Examine the student's records before the hearing;
 - iii. Present evidence; and iv. Confront and cross-examine witnesses. The school district shall advise the student's parent or guardian that fee or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
- f. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.
- g. All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed, unless the student, parent or guardian requests an open hearing.
- h. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
- i. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school

district shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school district in any proceeding.

- j. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
- k. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
- l. At a reasonable time prior to the hearing, the student, parent, or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
- m. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
- n. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
- o. The student cannot be compelled to testify in the dismissal proceedings.
- p. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the Board of Directors and served upon the parties within two (2) days after the close of the hearing.
- q. The Board of Directors shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The Board of Directors may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the Board of Directors must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
- r. A party to an expulsion or exclusion decision made by the Board of Directors may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the Board of Directors shall be implemented during the appeal to the Commissioner.

- s. The school district shall report any suspension, expulsion, or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
- t. The school district shall report each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report shall include a statement of alternative educational services given to the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The dismissal report must include state student identification numbers of affected students.
- u. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.
- v. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
 - i. for a pupil who remains enrolled in the school district or is awaiting enrollment in a new district, the school district's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The school district must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;
 - ii. a pupil receiving school-based or school-linked mental health services in the school district under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and
 - iii. the school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the school district website.

XVII. 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 and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

XVIII. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other

applicable law. The teacher, School Director, or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each physical assault of a school district employee by a student within thirty (30) days of the assault. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

XIX. STUDENT DISCIPLINE RECORDS

It is the policy of the school district that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable school district policies and federal and state law including the Minnesota Government Data Practices Act, Minnesota Statute Chapter 13.

XX. STUDENTS WITH DISABILITIES

Students who are currently identified as disabled under IDEA or Section 504 will be subject to the provisions of this policy, unless the student's IEP or 504 Plan specifies a necessary modification.

Where a student is dismissed for five (5) or more consecutive days, or has accumulated more than ten (10) days of dismissal over the course of the school year, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. Such a meeting must be held within ten (10) days of the school district's decision to remove the student from his or her current educational placement and must be held before commencing an expulsion or exclusion of the student. If the student's educational program is appropriate and the behavior is NOT a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline IS a manifestation of the student's disability, the team will confer on the appropriate discipline (excluding exclusion or expulsion) and take steps to alter the student's educational program, as necessary including a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior. Regardless of whether the behavior is a manifestation of the student's disability, if the team determines that the student's educational program is either not appropriate or not being properly implemented, the team will take steps to alter the program and will take any program alterations into account in determining appropriate discipline.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the school district shall continue to provide special education and related services after any period of suspension, if suspension is imposed.

XXI. DISCIPLINE COMPLAINT PROCEDURE

Students, parents and other guardians, and school staff may file a complaint and seek corrective action when the requirements of the Minnesota Pupil Fair Dismissal Act, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied.

The Discipline Complaint Procedure must, at a minimum:

1. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;
2. provide an opportunity for involved parties to submit additional information related to the complaint;
3. provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;
4. provide procedures for issuing a determination to the complainant that addresses each allegation and contains findings and conclusions;
5. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
6. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

XXII. DISTRIBUTION OF POLICY

This policy is available on the school's website (www.threeriversmontessori.org) and is also available upon request in TRM's main office.

XXIII. REVIEW OF POLICY

The School Director and the Board of Directors shall review this discipline policy at least annually to determine if the policy is working as intended and to assess whether the discipline policy has been enforced. Any recommended changes from the School Director shall be submitted to the Board of Directors for consideration.