

BDOTE LEARNING CENTER

Effective Date: 7/24/18	506 STUDENT CONDUCT AND DISCIPLINE
Date: 7/23/18 Revisions:	Approved by: Bdote Board of Directors:

I. PURPOSE

This policy provides expectations for student conduct. Abiding by these expectations will enhance the school district's ability to maintain discipline and ensure a quality educational experience. The school district will take appropriate disciplinary action when students fail to adhere to acceptable behavior standards established by this policy and its guidelines.

II. GENERAL STATEMENT OF POLICY

- A. The school district believes that a fair and equitable district-wide school discipline policy will contribute to the quality of a student's educational learning experience. Therefore, this district-wide discipline policy has been adopted.
- B. It is the responsibility of the school board, administrators, teachers and employees to safeguard the health and safety of each student. The school board and district administrators will support district employees who, in dealing with students on disciplinary matters, act in accordance with state law and this policy.
- C. Parents and guardians have the legal responsibility for the behavior of their children as determined by law and community practice. Parents/guardians are expected to exercise the required controls so that the student's behavior will be conducive to the development of self-discipline and will not be disruptive to the school's educational program.
- D. No policy will cover all situations. Therefore, the building administrator(s) or designee will make a determination of consequence/disciplinary action when student actions are not specifically addressed. All actions by an administrator/designee will be made on a case-by-case basis.
- E. 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. The school district believes that a fair and equitable student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

III. AREAS OF RESPONSIBILITY

- A. School Board. The school board holds all school employees responsible for the maintenance of order within the school district and supports all employees acting within the framework of this discipline policy.
- B. Administration. The Director will establish guidelines and directives to carry out this policy, hold all school employees, students and parents responsible for conforming to this policy, and support all school employees performing their duties within the framework of this policy. The Director will also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to

BDOE LEARNING CENTER

- implement this policy will be submitted to the school board for information and attached as an appendix to this policy.
- C. Behavior Team. The School Behavior Team is given the responsibility, authority and discretion to formulate building rules necessary to enforce this policy, subject to BOD review. The Behavior Team will give direction and support to all school employees performing their duties within the framework of this policy. The Behavior Team or designee will consult with parents of students conducting themselves in a manner contrary to the policy. The Behavior Team will also involve other professional employees in the disposition of behavior referrals and make use of those agencies appropriate for assisting students and parents. The Behavior Team and those trained 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.
 - D. Teachers. All teachers have responsibility for providing a well-planned teaching/learning environment and have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers will ensure acceptable student behavior. A teacher 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.
 - E. Other School District Employees. All school district employees are responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior are as authorized and directed by the Director. A school employee or other agent of a school district may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.
 - F. Parents or Legal Guardians. Parents and guardians are responsible for the behavior of their children as determined by law and community practice. They are expected to partner with school authorities and to participate regarding the behavior of their children.
 - G. Students. All students are held individually responsible for their behavior and for knowing and adhering to the Code of Student Conduct.

IV. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A. To pursue and attempt to complete the courses of study prescribed by the state and district;
- B. To make necessary arrangements for making up work when absent from school;
- C. To assist school employees in maintaining a safe school for all students;
- D. To be aware of all school rules, policies and procedures, including those in this policy, and to conduct themselves in accord with them;
- E. To assume that until a rule or policy is waived, altered or repealed, it is in full force and effect;
- F. To be aware of and comply with federal, state and local laws;
- G. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school employees, as appropriate;
- H. To respect and maintain the school's property and the property of others;

BDOTE LEARNING CENTER

- I. To dress and groom in a manner that meets standards of safety and health, common standards of decency, and is consistent with applicable school district policy;
- J. To avoid inaccuracies in student publications, whether print or electronic, and refrain from indecent or obscene language;
- K. To conduct themselves in an appropriate physical or verbal manner; and
- L. To recognize and respect the authority of school employees and the rights of others.

V. UNACCEPTABLE BEHAVIOR, INVESTIGATIONS OF STUDENT MISCONDUCT

The appendix of this policy provides examples of unacceptable behavior. Unacceptable behavior may also include violation of any local, state or federal law. The examples in the appendix are not intended to be an exclusive list. A student who engages in any unacceptable behaviors will be disciplined in accordance with this policy and its appendix.

This policy applies to all school buildings, school grounds, and district property; district-sponsored activities or trips; school bus stops; school buses, district vehicles, district-contracted vehicles, or any other vehicles approved for school district purposes; the area of entrance or departure from district premises or events; and all district-related functions. This policy also applies to student behavior that has a nexus to school property or the student's status as a district student, including students' use of social media and other electronic communication. 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. Students are required to cooperate in all disciplinary investigations.

VI. DISCIPLINARY ACTION OPTIONS

The school district's general policy is 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 Behavior Team. At a minimum, violation of school district rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The school district will, however, impose more severe disciplinary sanctions for any 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:

- A. student conference with teacher, Director, counselor or other school district personnel, and verbal warning;
- B. parent contact and/or conference;
- C. confiscation by the district any item prohibited by, or used in violation of any school district policy and/or state or federal law;
- D. limited time away from the classroom;
- E. removal from class (pursuant to the Pupil Fair Dismissal Act);
- F. in-school suspension;
- G. suspension from activities;
- H. detention or restriction of privileges;

BDOTE LEARNING CENTER

- I. loss of school privileges;
- J. in-school monitoring or revised class schedule;
- K. referral to in-school support services, law enforcement, community resources or an outside agency;
- L. financial restitution;
- M. request for a petition to be filed in district court for juvenile delinquency adjudication;
- N. out-of-school suspension under the Pupil Fair Dismissal Act;
- O. preparation of an admission or readmission plan;
- P. expulsion or exclusion under the Pupil Fair Dismissal Act; and/or
- Q. other disciplinary action as deemed appropriate by the school district.

VII. REMOVAL OF STUDENTS FROM CLASS

- A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, limited time away from the classroom, assigning consequences, 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 has the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, Behavior Team member, 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, pursuant to this discipline policy.
- B. Grounds for removal from class 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 district employees, the student or other students, or the property of the school.
 - 3. Willful violation of any school rules and in this policy.
 - 4. Other personal conduct that, in the discretion of the teacher or administration, requires removal of the student from class. A student removal will be for at least one activity period or class period of instruction for a given course of study and not exceed five periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from class shall be for a period of time deemed appropriate by the Director, in consultation with the teacher.

- C. Procedure for the Classroom Teacher to Remove a Student from a Class Pursuant to the Pupil Fair Dismissal Act

BDOTE LEARNING CENTER

1. When circumstances warrant, a student will be removed from class upon agreement of the appropriate teacher and Behavior Team after an informal conference with the student.
2. The removal from class may be imposed without an informal conference where it appears that the student will create an immediate and substantial danger to himself/herself or to persons or property. If a student is removed from class due to immediate and substantial danger to himself/herself and no conference has been held, the teacher will notify the office immediately to inform the Behavior Team of the action taken.
3. The length of time of the removal from class is at the discretion of the Behavior Team, after consultation with the teacher, subject to the provisions of Minn. Stat. §121A.61 and the Pupil Fair Dismissal Act.
4. A written disciplinary report is submitted by the teacher or district employee within 24 hours of the removal of any student from his/her class.

D. Responsibility For and Custody of a Student Removed From Class

1. A student removed from class is the responsibility of the Behavior Team or lawful designee.
2. A student removed from class must report directly to the Dean's office and inform the Dean of his/her arrival. Prior to the student's removal, the teacher or district employee will inform the office of the student's removal, the reason for the removal, and the time of the removal.
3. The teacher will determine if the student requires a school employee to accompany him/her to the office, and, if so, make the necessary arrangements.
4. Return of a Student Procedure
 - a. The Director or designee will complete the appropriate follow-up disciplinary consequences and school documentation with the student.
 - b. The Behavior Team or designee readmits the student pursuant to the readmission plan.
5. Notification Procedure
 - a. The Behavior Team or designee determines the necessity of parent/guardian notification resulting from the student being removed from class.
 - b. The Behavior Team or designee will work with the teacher to notify the student of the violation of the discipline rules and resulting disciplinary action.

VIII. Prior to Dismissal Notification

1. The Behavior Team or designee will provide the Tennessen Warning to the student prior to investigating the disciplinary incident when a dismissal from school may be the result of disciplinary action. The student's parent/guardian will be notified, when possible, prior to the reading of the warning.
2. The Director or designee will record the notification of the student receiving the Tennessen Warning, including the disciplinary action documentation.
3. The purpose of the Tennessen Warning, per Minnesota Statute 13.04: "An individual asked to supply private or confidential data concerning the individual shall be informed of: (a) the purpose and intended use of the requested data within the collecting government entity; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. This requirement shall not apply

BDOTE LEARNING CENTER

when an individual is asked to supply investigative data, pursuant to section 13.82, subdivision 7, to a law enforcement officer.”

IX. **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.
The school district will 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.
2. Violations leading to suspension, based upon severity, may also be grounds for expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:
 - A. Willful violation of any school board policy;
 - B. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school employees to perform their duties, or district- sponsored 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 policies promulgated by the school board, prohibiting a student from attending school for a period of no more than 2 school days; provided, however, if a suspension is longer than five school days, the suspending administrator will provide the Director with a reason for the longer term of suspension. This definition does not apply to dismissal for one 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 10 cumulative days in a school year, the school district will make reasonable attempts to convene a meeting with the student and the student’s parent or guardian before subsequently removing the student from school. The purpose of this meeting is to problem-solve and attempt to determine the pupil’s need for assessment or other services or whether the parent or guardian should have the student assessed.
 - C. Each suspension action will include a readmission plan. The plan may include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a district-sponsored activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect.
4. The school administration may not impose consecutive suspensions against the same student for the 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 15 days.

BDOTE LEARNING CENTER

5. In the case of a student with a disability, the student's individual education plan team will meet in accordance with state and federal law.
6. The school administration will implement 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 assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center selected to allow the pupil to progress toward meeting graduation standards .
7. The school administration will not suspend a student from school without an informal administrative conference with the student. The informal administrative conference occurs 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 occurs as soon as practicable following the suspension. At the informal administrative conference, a school administrator notifies the student of the grounds for the suspension, provides 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.
8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, pursue other consequences, including encouraging a parent or guardian of the student to attend school with the student for one day.
9. 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, will 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 48 hours of the conference.
10. Effort will be made by the Behavior Team or designee at the time of suspension to notify the student's parent or guardian by telephone of a suspension. In the event that the student's parent or guardian is not available for notification of the suspension at the time of the suspension, the student will remain in the school building for the remainder of the school day at a location or at locations designated by the Behavior Team or designee.
11. A conference will be scheduled between the student's parent or guardian and the Behavior Team or designee to discuss the suspension, the reasons therefore, and the readmission plan.
12. If the parent or guardian is dissatisfied with the disposition of the case after a conference with the Behavior Team or designee, he/she may request and will be granted an interview with the Director or designee. Neither this interview, nor the conference in item 5 will delay the suspension.
13. During the period of suspension, the student will be furnished with assignments or alternative opportunities for continued learning. He/she is expected to make up all work missed during the time of suspension. The teacher determines appropriate credit for such work based on the district's assessment policy and procedures. The student is readmitted to school following the expiration of the suspension.
14. 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 will be served upon the student and the student's

BDOTE LEARNING CENTER

parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

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

D. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or reenrollment of a student for a period that will not extend beyond the school year. The authority to exclude rests with the school board.
3. A written recommendation for exclusion or expulsion from the Behavior Team with supporting data is submitted to the Director.
4. The Director will review the case and determine whether or not to recommend exclusion or expulsion to the school board.
5. 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.
6. No expulsion or exclusion is imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
7. The student and parent or guardian are provided written notice of the school district's intent to initiate expulsion or exclusion proceedings. This notice is served upon the student and his or her parent or guardian personally or by certified mail, and contains a complete statement of the facts; a list of the witnesses and a description of their testimony; the date, time and place of hearing; accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; a description of 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: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district will advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
8. The hearing will be scheduled within 10 days of the service of the written notice unless an extension, not to exceed 5 days, is requested for good cause by the school district, student, parent or guardian.
9. All hearings are held at a time and place reasonably convenient to the student, parent or guardian and will be closed to the public, unless the student, parent or guardian requests an open hearing.
10. The school district will record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
11. The student has a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school board, or Director, may appoint an attorney to represent the school district in any proceeding.
12. 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.

BDOLE LEARNING CENTER

13. All expulsion or exclusion hearings take place before, and are conducted by, an independent hearing officer designated by the school district, a school board member, a committee of the school board, or the full school board. The hearing will be conducted in a fair and impartial manner. Testimony is given under oath. The hearing officer or school board member has the power to administer oaths and issue subpoenas.
14. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative is 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.
15. The student, parent or guardian, or authorized representative, has 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.
16. The student, parent or guardian, or authorized representative, has the right to present evidence and testimony, including expert psychological or educational testimony.
17. The student cannot be compelled to testify in the dismissal proceedings.
18. The hearing officer, school board member, or school board committee will prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two days after the close of the hearing.
19. The school board will base its decision upon the findings and recommendation of the hearing officer or school board member, and render its decision at a meeting held within five days after receiving the findings and recommendation. The school board 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 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.
20. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Minnesota Commissioner of Education within 21 calendar days of school board action. The decision of the school board is implemented during any appeal to the commissioner.
21. The school district will report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
22. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within 30 days of the effective date of the action to the commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
23. Whenever a student fails to return to school within 10 school days of the termination of dismissal, a school administrator will inform the student and his/her parent or guardian by certified mail of the student's right to attend and to be reinstated in the school district.

X. ADMISSION OR READMISSION PLAN

BDOTE LEARNING CENTER

The Behavior Team will 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 state law, 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 psychotropic medication for their child as a condition of readmission.

XI. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action is as provided for in state and federal law and district policy. The teacher, Director or other school district employee 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.

XII. STUDENT DISCIPLINE RECORDS

The policy of the school district is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records are to be consistent with state and federal law, and district policy.

XIII. STUDENTS WITH A DISABILITY

Students who are currently identified as eligible under the 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.

Prior to the initiation of an expulsion or exclusion of a student with a disability, the district will follow state and federal laws regarding such proposal.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students) Minn. Stat. § 120B.232 (Character Development Education)

Minn. Stat. § 121A.26 (School Pre-assessment Teams) Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)

Minn. Stat. § 121A.582 (Reasonable Force)

Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)

Minn. Stat. § 122A.42 (General Control of Schools) Minn. Stat. § 123A.05 (Area Learning Center Organization) Minn. Stat. § 124D.03 (Enrollment Options Program)

Minn. Stat. § 124D.08 (Enrollment in Nonresident District) Minn. Stat. Ch. 125A (Students With Disabilities)

Minn. Stat. Ch. 260A (Truancy)

Minn. Stat. Ch. 260C (Juvenile Court Act)

BDOE LEARNING CENTER

20 U.S.C. §§ 1400-1487 (Individuals w/ Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)