

Policy #: 506
Title: STUDENT DISCIPLINE
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Reviewers: MSAB Director; MSAD Director; MSA Special Education Director

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the Minnesota State Academies' expectations for student conduct. Such compliance will enhance the Minnesota State Academies' ability to maintain discipline and ensure that there is no interference with the educational process. The Minnesota State Academies (MSA) 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 Minnesota State Academies Board recognizes that individual responsibility and mutual respect are essential components of the educational process. The Minnesota State Academies 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. Minnesota State Academies 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. The position of the Minnesota State Academies is that a fair and equitable agency-wide 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.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the Minnesota State Academies Board, with the participation of Minnesota State Academies 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 Minnesota State Academies.

III. AREAS OF RESPONSIBILITY

- A. The Minnesota State Academies Board. The Minnesota State Academies Board holds all Academies personnel responsible for the maintenance of order within the agency and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent. The superintendent shall establish guidelines and directives to carry out this policy, hold all Minnesota State Academies (MSA) personnel, students, and parents responsible for conforming to this policy, and support all Minnesota State Academies personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the Minnesota State Academies Board for approval and shall be attached as an addendum to this policy.
- C. Director. A school director at the Minnesota State Academies is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final Minnesota State Academies Board approval. The director shall give direction and support to all Minnesota State Academies 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. A director, in exercising his or her 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.
- D. 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 or prevent bodily harm or death to another.
- E. Other Minnesota State Academies Personnel. All Minnesota State Academies personnel shall be responsible for contributing to the atmosphere of mutual respect at the Minnesota State Academies. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent. An

MSA employee, bus driver, or other employee of the Minnesota State Academies, in exercising his or her 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.

- F. 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 Minnesota State Academies authorities and to participate regarding the behavior of their children.
- G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- H. 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. STUDENT RIGHTS

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

V. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A. For their behavior and for knowing and obeying all Minnesota State Academies rules, regulations, policies, and procedures;
- B. To attend Minnesota State Academies daily, except when excused, and to be on time to all classes and other Minnesota State Academies functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and MSA authorities;
- D. To make necessary arrangements for making up work when absent from Minnesota State Academies;
- E. To assist the MSA staff in maintaining a safe Minnesota State Academies for all students;
- F. To be aware of all Minnesota State Academies rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H. To be aware of and comply with federal, state, and local laws;

- I. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with MSA staff as appropriate;
- J. To respect and maintain the Minnesota State Academies' property and the property of others;
- K. 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 Minnesota State Academies policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

VI. CODE OF STUDENT CONDUCT

- A. The following are examples of unacceptable behavior subject to disciplinary action by the Minnesota State Academies. 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 MSA buildings, grounds, and property; MSA-sponsored activities or trips; MSA bus stops; MSA buses, MSA vehicles, MSA contracted vehicles, or any other vehicles approved for Minnesota State Academies purposes; the area of entrance or departure from MSA premises or events; and all MSA-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 Minnesota State Academies 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 Minnesota State Academies 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. Violation of the Minnesota State Academies' Hazing Policy (Policy #515);
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving Minnesota State Academies grounds without permission;
6. Violation of the Minnesota State Academies' student attendance: see appropriate student handbook;
7. Opposition to authority using physical force or violence;
8. Using, possessing, or distributing tobacco or tobacco paraphernalia;
9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances;
10. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student;
11. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
12. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
13. Violation of the Minnesota State Academies' Weapons Policy (Policy #516);
14. Violation of the Minnesota State Academies' Crisis Prevention Intervention Policy (Policy #501);
15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;
17. 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;
18. Using an ignition device, including a 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 Minnesota State Academies;
19. Violation of any local, state, or federal law as appropriate;
20. 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;
21. Violation of the Minnesota State Academies' Appropriate Use of Electronic Communication and Technology Policy (Policy #404);
 22. Possession of nuisance devices or objects which cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;
 23. Violation of Minnesota State Academies bus or transportation rules.
 24. Violation of parking or Minnesota State Academies traffic rules and regulations, including, but not limited to, driving on Minnesota State Academies property in such a manner as to endanger persons or property;
 25. Violation of directives or guidelines relating to lockers or improperly gaining access to a Minnesota State Academies locker;
 26. Violation of the Minnesota State Academies' Search of Student Lockers, Desks, Dorm rooms, and other Spaces provided by the Academies and Student's Person Policy (Policy #504);
 27. Violation of the Minnesota State Academies' Student Use and Parking of Motor Vehicles: see appropriate student handbook;
 28. Possession or distribution of slanderous, libelous, or pornographic materials;
 29. Violation of the Minnesota State Academies' Bullying Prohibition Policy (Policy #514);
 30. 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 which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, 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;
 31. Criminal activity;
 32. Falsification of any records, documents, notes, or signatures;
 33. Tampering with, changing, or altering records or documents of the Minnesota State Academies by any method including, but not limited to, computer access or other electronic means;
 34. Scholastic dishonesty which includes, but is not limited to, cheating on a Minnesota State Academies assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
 35. Impertinent or disrespectful language toward teachers or other Minnesota State Academies personnel;
 36. Violation of the Minnesota State Academies' Harassment and Violence Policy (Policy #413);

37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other Minnesota State Academies personnel, or other persons;
38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
39. 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;
40. Verbal assaults or verbally abusive behavior including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating, or that degrades other people;
41. Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
42. 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;
43. Violation of Minnesota State Academies rules, regulations, policies, or procedures, including, but not limited to, those policies specifically enumerated in this policy;
44. Other acts, as determined by the Minnesota State Academies, which are disruptive of the educational process or dangerous or detrimental to the student or other students, Minnesota State Academies personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the Minnesota State Academies, or which otherwise interferes with or obstruct the mission or operations of the Minnesota State Academies or the safety or welfare of students or employees.

VII. DISCIPLINARY ACTION OPTIONS

The general policy of the Minnesota State Academies 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 Minnesota State Academies. At a minimum, violation of Minnesota State Academies rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The Minnesota State Academies shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the Minnesota State Academies. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, director, counselor, or other Minnesota State Academies personnel, and verbal warning;
- B. Confiscation by Minnesota State Academies personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any Minnesota State Academies policy, rule, regulation, procedure, or state or federal law. If confiscated by the Minnesota State Academies, 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.
- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school or in-dorm suspension; (ISS or IDS)
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of Minnesota State Academies privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to Minnesota State Academies support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-School suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Expulsion under the Pupil Fair Dismissal Act;
- S. Exclusion under the Pupil Fair Dismissal Act; and/or
- T. Other disciplinary action as deemed appropriate by the Minnesota State Academies.

VIII. REMOVAL OF STUDENTS FROM CLASS

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other 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 shall have 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, director, or other Minnesota State Academies employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

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 Minnesota State Academies employees, the student or other students, or the property of the Minnesota State Academies;
3. Willful violation of any Minnesota State Academies rules, regulations, policies or procedures, as outlined in the student handbook; or
4. Other conduct, which in 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.

- B. If a student is removed from class more than ten (10) times in a Minnesota State Academies year, the Minnesota State Academies shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- C. **Teacher Procedures for Removal of a Student from a Class.** Teachers are required to follow the legal procedures prescribed in law if and when they exercise their authority to remove a student from class. Those procedures will be specified by the school director in writing and available to teachers who select to exercise this authority. The school procedures for teachers will include the following:
 1. Specify procedures to be followed by a teacher, administrator or other Minnesota State Academies employee to remove a student from a class;
 2. Specify required approvals necessary;
 3. Specify paperwork and reporting procedures.
 4. Designation of where student is to go when removed;
 5. Designation of how student is to get to designated destination;
 6. Whether student must be accompanied;
 7. Statement of what student is to do when and while removed;
 8. Designation of who has control over and responsibility for student after removal from class.

- D. Teacher Procedures for Return of a Student to a Class after Removal.
 - 1. Specification of procedures;
 - 2. Actions or approvals required such as notes, conferences, readmission plans.
 - 3. Procedures for consideration of whether there is a need for further assessment;
 - 4. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Plan (IEP) of a student who is removed from class or disciplined; and
 - 5. Any procedures determined appropriate for referring students in need of special services to those services.

- E. Teacher Procedures for Notification.
 - 1. Specify procedures for notifying students and parents/guardians of violations of the rules of conduct and resulting disciplinary action;
 - 2. Actions or approvals required, such as notes, conferences, readmission plans.

- F. Staff Procedures for Detecting and Addressing Substance Abuse Problems of Students While on Minnesota State Academies Premises (Procedure #3010).
 - 1. Establishment of a chemical abuse preassessment team pursuant to Minn. Stat. § 121A.26;
 - 2. Establishment of a Minnesota State Academies and community advisory team to address chemical abuse problems in the district pursuant to Minn. Stat. § 121A.27; and
 - 3. Establishment of teacher reporting procedures to the chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.29.

- G. Teacher Procedures for Immediate and Appropriate Interventions Tied to Violations of Rules and Regulations as Outlined in the Student Handbook.

- H. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.

- I. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.

IX. DISMISSAL

- A. "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 Minnesota State Academies 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.

The Minnesota State Academies 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.

- B. 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:
1. Willful violation of any reasonable Minnesota State Academies Board regulation, including those found in this policy;
 2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of Minnesota State Academies personnel to perform their duties, or Minnesota State Academies sponsored extracurricular activities; or
 3. Willful conduct that endangers the student or other students, or surrounding persons, including Minnesota State Academies employees, or property of the Minnesota State Academies.
- C. Suspension Procedures
1. "Suspension" means an action by the Minnesota State Academies administration, under rules promulgated by the Minnesota State Academies Board, prohibiting a student from attending Minnesota State Academies for a period of no more than ten (10) Minnesota State Academies days; provided, however, if a suspension is longer than five (5) Minnesota State Academies days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) Minnesota State Academies day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
 2. If a student's total days of removal from Minnesota State Academies exceed ten (10) cumulative days in a Minnesota State Academies year, the Minnesota State Academies shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from Minnesota State Academies and, with the 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.
3. Each suspension action may include a readmission plan. The plan shall 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. Minnesota State Academies 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 Minnesota State Academies-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The Minnesota State Academies 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 Minnesota State Academies is in the process of initiating an expulsion, in which case the Minnesota State Academies administration may extend the suspension to a total of fifteen (15) days.
 4. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative Minnesota State Academies days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.
 5. The Minnesota State Academies 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

under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.

6. The Minnesota State Academies administration shall not suspend a student from Minnesota State Academies 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 Minnesota State Academies administrator shall notify the student of the grounds for the 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.
7. After Minnesota State Academies administration notifies a student of the grounds for suspension, Minnesota State Academies administration may, instead of imposing the suspension, do one or more of the following:
 - a. strongly encourage a parent or guardian of the student to attend Minnesota State Academies with the student for one day;
 - b. assign the student to attend Minnesota State Academies outside the normal school day as supervised by the director or the director's designee; and
 - c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
8. 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. (See attached sample Notice of Suspension.)
9. The Minnesota State Academies administration shall make reasonable efforts to notify the student's parent or guardian of the suspension as soon as possible following suspension.
10. 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.

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

D. Expulsion and Exclusion Procedures

1. "Expulsion" means a Minnesota State Academies Board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the Minnesota State Academies Board.
2. "Exclusion" means an action taken by the Minnesota State Academies Board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the Minnesota State Academies year. The authority to exclude rests with the Minnesota State Academies Board.
3. 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.
4. 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.
5. The student and parent or guardian shall be provided written notice of the Minnesota State Academies' 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 the 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: (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 Minnesota State Academies shall advise the student's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
6. 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 Minnesota State Academies, student, parent, or guardian.

7. 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.
8. The Minnesota State Academies shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. 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 Minnesota State Academies 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 Minnesota State Academies Board may appoint an attorney to represent the Minnesota State Academies in any proceeding.
10. 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.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the Minnesota State Academies. 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.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all Minnesota State Academies records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any Minnesota State Academies 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 Minnesota State Academies.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the Minnesota State Academies Board and served upon the parties within two (2) days after the close of the hearing.

17. The Minnesota State Academies Board 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 Minnesota State Academies 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 Minnesota State Academies Board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the Minnesota State Academies Board may appeal the decision to the Commissioner within twenty-one (21) calendar days of Minnesota State Academies Board action pursuant to Minn. Stat. § 121A.49. The decision of the Minnesota State Academies Board shall be implemented during the appeal to the Commissioner.
19. The Minnesota State Academies shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The Minnesota State Academies must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to Minnesota State Academies within ten (10) Minnesota State Academies days of the termination of dismissal, a Minnesota State Academies 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 Minnesota State Academies.

X. ADMISSION OR READMISSION PLAN

A Minnesota State Academies administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from Minnesota State Academies. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental

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

XI. 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, director or other Minnesota State Academies official may provide additional notification as deemed appropriate.

XII. STUDENT DISCIPLINE RECORDS

The policy of the Minnesota State Academies is that complete and accurate student discipline records be maintained. The collection, dissemination, and maintenance of student discipline records shall be consistent with applicable Minnesota State Academies policies and federal and state law, including the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

XIII. DISABLED STUDENTS

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.

Before initiating an expulsion or exclusion of a student with a disability, 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. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the Minnesota State Academies 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 shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the Minnesota State Academies 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.

When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the Minnesota State Academies shall continue to provide special education and related services during the period of expulsion or exclusion.

XIV. DISTRIBUTION OF POLICY

The Minnesota State Academies will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each Minnesota State Academies year and to all new students and parents upon enrollment. This policy shall also be available upon request in each director's office.

XV. REVIEW OF POLICY

The director and representatives of parents, students and staff of the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind (the Site Council for each school shall have this responsibility) shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the superintendent for consideration by the Minnesota State Academies Board, which shall conduct an annual review of this policy.

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 (Minnesota State Academies Preassessment Teams)
Minn. Stat. § 121A.27 (Minnesota State Academies and Community Advisory Team)
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. § 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)
20 U.S.C. §§ 1400-1487 (Individuals with 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)

Cross References:

MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 501 (Minnesota State Academies Weapons)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 503 (Student Attendance)
MSBA/MASA Model Policy 505 (Distribution of NonMinnesota State Academies-Sponsored Materials on Minnesota State Academies Premises by Students and Employees)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)

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MSBA/MASA Model Policy 525 (Violence Prevention)

MSBA/MASA Model Policy 526 (Hazing Prohibition)

MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

MSBA/MASA Model Policy 610 (Field Trips)

MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)