

STUDENTS

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
Student Discipline	506	Adopted: 07-27-2017 Reviewed: 11-29-2018	Annually

I. PURPOSE

The purpose of this policy is to help all members of the school community work collaboratively to create a safe, supportive and equitable school climate through the use of positive discipline practices. Effective positive discipline results from an equitable, supportive environment that stresses student self-direction, decision-making and responsibility.

All students have a right to learn and develop in a setting which promotes respect of self, others and property. Effective positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility.

II. GENERAL STATEMENT OF POLICY

1. It is the Board's intent to ensure that students are aware of and comply with the District's expectations for student conduct. Such compliance will enhance the District's ability to maintain discipline and ensure that there is no interference with the educational process.
2. The District believes that a fair and equitable District-wide school discipline policy will contribute to the quality of a student's educational learning experience.
3. The School Board recognizes that a positive and equitable learning environment is essential for students to thrive academically and developmentally.
4. The Board recognizes that no policy will cover all situations. Therefore, the building administrator(s) or designee will make a determination of the violation and/or 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.

III. DEFINITIONS

"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.

"Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class.

“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 school board.

“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.

“Removal from class” and “removal” mean any actions taken by a teacher, principal, or other school 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.

“Suspension” means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten school days; provided, however, if a suspension is longer than five class periods, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. A suspension may be extended to 15 days when the District has initiated expulsion procedures. *This definition does not apply to dismissal for one school day or less, except as provided in federal law, for a student with a disability.*

IV. AREAS OF RESPONSIBILITY

- A. The School Board. The school board holds all school personnel responsible for the maintenance of order within the school district 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 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 superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents.
- C. Principal / Building Level Administrator. The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner contrary to the policy. The principal shall involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A principal, 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 managing student conduct, with appropriate assistance from the administration. All teachers shall enforce the expectations for appropriate behaviors, as outlined in this policy. 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 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 superintendent or designee. 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 restrain a student or prevent bodily harm or death to another.
- F. Parents or Legal Guardians. 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. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- G. Community Members. Members of the community are expected to contribute to the establishment of a positive atmosphere at events sponsored by the school district or held on school district property.
- H. Students. All students shall be held individually responsible for their behavior and for understanding and complying with the behaviors outlined in this policy.

V. **STUDENT RESPONSIBILITIES**

All students have the responsibility:

- A. To know and obey all school rules, regulations, policies, and procedures;
- B. To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C. To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D. To make necessary arrangements for making up work when absent from school;
- E. To assist the school staff in maintaining a safe school for all students;
- F. To be aware of all school 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 school staff as appropriate;
- J. To respect and maintain the school's 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 school district 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. STUDENT RIGHTS

- A. All students have the right to an education and the right to learn.
- B. Students have the right to be safe and free from threatening situations on school property, at school activities, and in District vehicles.

VII. UNACCEPTABLE BEHAVIOR AND STUDENT DISCIPLINE

- A. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; 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, school-sponsored activities, events, or trips. School district property also means a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events.
- B. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, the District does not represent that it will provide supervision or assume liability at these locations and events.
- C. 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 District or the safety or welfare of the student, other students, or employees. In addition, this policy applies to student conduct that has a nexus to school property or the school environment, including use of social media and other electronic communication.
- D. The following are examples of areas of unacceptable behavior subject to disciplinary action by the District. Definitions of each are included in the administrative procedures associated with this policy. Unacceptable behavior may also include violation of any local, state, or federal law. These examples are not intended to be an exhaustive list. Any student who engages in any of these activities shall be subject to discipline in accordance with this policy and applicable procedures.
 - 1. Abuse: Verbal, written or otherwise expressed
 - 2. Academic Dishonesty

3. Alarm (False)
4. Alcohol: Intent to sell, give or share, possession or use
5. Ammunition, mace or pepper gas possession
6. Arson
7. Assault: Aggravated, physical, verbal, written, or otherwise expressed
8. Attendance issues
9. Attire
10. Bodily Harm; Inflicting
11. Bullying
12. Burglary
13. Chemicals: Intent to sell, give, or share; or under the influence, attempted possessions, or use
14. Communication Devices
15. Cyber-bullying
16. Damage of or Tampering of Property (Vandalism)
17. Distribution or possession of literature, video, pictures, or otherwise unauthorized materials
18. Driving: Careless or reckless
19. Explosives, Possession and/or use
20. False Threat, Bomb or Other Act of Violence
21. False Fire Alarm: or tampering with or interference with any fire alarm system;
22. Falsifying, Altering or Tampering with Any Records
23. Fighting: Promoting/Instigating
24. Fire Extinguisher: Unauthorized Use
25. Fireworks: Possession or use of
26. Gambling

27. Gang or Cult Activity
28. Harassment
29. Hazing
30. Incendiary/Ignition Device Use or Fire
31. Insubordination
32. Interference, Disruption or Obstruction
33. Lewd Behavior
34. Nuisance and/or Recording Devices
35. Parking
36. Pornography
37. Propping, Rigging, or Disabling a Secure Door
38. Pushing, Shoving, and Scuffling
39. Records or Identification Falsification
40. Robbery or Extortion
41. Sexual Violence
42. Technology Related
43. Terroristic threats
44. Theft, or Knowingly Receiving or Possessing Stolen Property
45. Tobacco
46. Trespassing
47. Vehicle: Unauthorized Use
48. Weapon or Look-alike Weapon; Possession
49. Other acts: as determined by the school district, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school district personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interfere

with or obstruct the mission or operations of the school district or the safety or welfare of students or employees.

VIII. DISCIPLINARY ACTION OPTIONS

The District will 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 District. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, principal, counselor, or other District personnel, and verbal warning;
- B. Confiscation by 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.
- C. Parent contact and/or conference;
- D. Removal from class;
- E. In-school suspension;
- F. Suspension from extracurricular activities;
- G. Detention or restriction of privileges;
- H. Loss of school privileges;
- I. In-school monitoring or revised class schedule;
- J. Referral to in-school support services;
- K. Referral to law enforcement or other appropriate authorities, community resources or an outside agency;
- L. Financial restitution;
- M. A 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. YCAPP alternative to suspension
- Q. Expulsion under the Pupil Fair Dismissal Act;

- R. Exclusion under the Pupil Fair Dismissal Act; and/or
- S. Other disciplinary action as deemed appropriate by the District.

IX. 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.

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; 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 activity period or class period of instruction for a given course of study and shall not exceed five such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

- B. If a student is removed from class more than ten times in a school year, the school district 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. Procedures for the Removal of a Student From a Class
 1. If a student is removed from class, the teacher, principal, or other District employee will complete a report describing the student's behavior.
 2. Teachers removing students from class are required to direct the student to the school office and verify his or her arrival as soon as practicable. Teachers will determine

whether a student needs to be accompanied to the office, and, if so, make the necessary arrangements.

3. The administrator may, at his/her option, assign the student to supervision in another area specially designated for this purpose.
4. The student will remain in the custody of the building administrator or his/her designee for the duration of the time prescribed.
5. Students removed for more than one class period will receive assignments from the teachers to enable the student to keep up with his/her class work.

D. Return of a Student to a Class from Which the Student was Removed

1. The student may return to class after a conference with the appropriate administrator, teacher, and/or the parent(s)/Guardian(s). At the time of this conference, a plan of action will be established.
2. Students removed from class will be required to examine and take measures to correct it.

E. Notification Procedure

1. Parents/guardians of students removed from class will be notified as soon as practicable of the rule violation that led to the removal, and any conditions for readmission.
2. Students with Disabilities; Special Provisions
3. In cases involving students receiving special education services, appropriate special education staff will be notified of the removal to determine compliance with the student's IEP and to determine whether further assessment or change in the student's IEP is necessary.
4. In cases involving students with suspected disability, the student assistance team or school counselor will be notified and the school's pre-referral intervention process will be followed.
5. Devices for Detecting Chemical/Alcohol Use While on School Premises
6. Administration, with reasonable suspicion of student use of alcohol during the school day, and/or at school sponsored events, may implement or direct the use of a Passive Breath Alcohol Sensor Device to determine alcohol consumption.
7. Administration, with reasonable suspicion of student use of chemicals, may implement or direct the use of procedures allowed under law, to determine chemical use.

- F. Procedures for Addressing Alcohol and/or Chemical Use or Abuse Problems of Students While on School Premises
1. The District has established a chemical /alcohol abuse pre-assessment team pursuant to Minnesota Statute 121A.26;
 2. The District has established teacher reporting procedures to the chemical/alcohol abuse pre-assessment team, pursuant to Minnesota Statute 121A.29.
- G. Procedures for Encouraging Early Detection of Behaviors Problems and Involvement of Parents/Guardians in Attempts to Improve a Student's Behavior
1. During the enrollment process, schools will gather as much information from parent(s)/guardian(s) as possible to determine any pre-existing academic, behavioral, or attendance concerns.
 2. School administrators will ensure the building is adequately supervised and that a system is in place for reporting behavior concerns, regardless of the time and day.
 3. School administration will have a plan for reviewing attendance records on a regular basis and then act on the attendance concerns in accordance with the appropriate county truancy program.
 4. Schools will establish a structure for teachers to discuss student behavior concerns that is clearly communicated and followed up by administration.
 5. Schools must have a team including administration, counselors, the school nurse, and other staff as available to review student academic, attendance, behavior and social/emotional concerns.
 6. Staff will intervene and support students early on as behavior concerns are surfacing.
 7. Schools will work with chemical health support staff to assess student behavior and determine whether or not chemical issues are present.
 8. In conjunction with the Special Education process, schools will have regularly scheduled meetings to consider whether students with academic, behavioral, or social/emotional concerns might need to be assessed for special education services.
 9. A formal structure will be created to share information as students transition between schools and grades to assist in continuous support and intervention.
 10. Schools will communicate with parent/guardian about academic progress and encourage parents/guardians to assist in identifying concerns.

X. DISMISSAL

- A. 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

1. Willful violation of any reasonable school board regulation, including those
2. Willful conduct that significantly disrupts the rights of others to an education, extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding

B. Suspension Procedures

1. If a student's total days of removal from school exceed ten 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 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 student'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.
2. 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. 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 school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. 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.
3. A child with a disability may be suspended. When a child with a disability has been suspended for more than five consecutive days or ten cumulative school 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 days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

4. The school administration will implement alternative educational services when the suspension exceeds five days. Alternative educational services may include, but are not limited to:
 - a. Special tutoring;
 - b. Modified curriculum, instruction, and other modifications or adaptations;
 - c. Instruction through electronic media;
 - d. Special education services as indicated by appropriate assessments
 - e. Homebound instruction
 - f. Supervised homework;
 - g. Enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the student to progress toward meeting graduation standards.
5. The school administration shall have an informal administrative conference with the student who is suspended. 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 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.
6. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, implement alternatives to suspension, including but not limited to:
 - a. Strongly encouraging a parent or guardian of the student to attend school with the student for one day;
 - b. Petitioning the juvenile court that the student is in need of services.
7. 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 48 hours of the conference.

8. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible. 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 locations designated by the principal or his/her designee.
9. 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 48 hours of the suspension. Service by mail shall be complete upon mailing.
10. 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.

C. Expulsion and Exclusion Procedures

1. 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.
2. 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.
3. 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 the components required by the Minnesota Pupil Dismissal Act.
4. The hearing on a proposed expulsion shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school district, student, parent, or guardian.
5. 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.
6. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
7. 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.

8. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student or the parent or guardian providing them with access to and/or copies of the student's records.
9. 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.
10. 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.
11. 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.
12. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
13. The student cannot be compelled to testify in the dismissal proceedings.
14. The hearing officer shall 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.
15. The school 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 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 Commissioner of Education (Commissioner) of the basis and reason for the decision.
16. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within 21 calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.

17. 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.
18. 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.
19. Whenever a student fails to return to school within ten 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.

XI. ADMISSION OR READMISSION PLAN

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with 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.

XII. 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, principal 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 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.

XIII. STUDENT DISCIPLINE RECORDS

Complete and accurate student discipline records will be maintained. The collection, dissemination, and maintenance of student discipline records and information shall be consistent with applicable school district policies and federal and state law.

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.

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 school district will proceed with discipline, up to and including expulsion, 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 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.

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 during the period of expulsion or exclusion.

XIV. OPEN ENROLLED STUDENTS

The District may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. § 124D.03) or Enrollment in Nonresident District (Minn. Stat. § 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court.

The District may terminate the enrollment of a nonresident student over the age of 17 enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school.

XV. DISTRIBUTION OF POLICY

The District 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 school year and to all new students and parents upon enrollment. This policy is available, upon request, in each principal's office.

XVI. REVIEW OF POLICY

A committee shall convene annually to review this policy for effectiveness as prescribed by law. The committee will include principal, parent, student, and staff representatives. Recommended changes shall be submitted to the Board of Education for consideration.