

506 Student Discipline - MSBA Mandated

I. Purpose

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

II. General Statement of Policy

It is the position of North Shore Community School that fair and equitable discipline will contribute to the quality of a student's educational experience. Without discipline in the school, learning cannot occur. It is the responsibility of the school board, administration and staff to safeguard the education and physical safety of each student. The school board and administration will support district personnel who, in dealing with students on disciplinary matters, act in accordance with state statute, state board of education regulations and this policy. If there are any questions involving student rights, staff will refer to the Pupil Fair Dismissal Act of 1974, Minnesota Statutes 121A.40 to 121A.56.

III. Student Rights and Responsibilities

A. Student Rights:

1. A free and full education and the right to learn
2. Equal educational opportunity and freedom from discrimination
3. Due process of law
4. Freedom of inquiry and expression
5. Privacy
6. Participation in student activities
7. Personal property
8. To be informed of school rules

B. Student Responsibilities:

1. For their behavior and for knowing and obeying all school rules, regulations, policies and procedures;
2. To attend school daily, except when excused, and to be on time to all classes and other school functions.
3. To pursue and attempt to complete the course of study prescribed by the state and local school authorities.
4. To make necessary arrangements for making up work when absent from school.
5. To assist the school staff in maintaining a safe school for all students.

6. To be aware of all school rules, regulations, and procedures and conduct themselves accordingly.
7. To assume that until a rule is waived, altered or repealed, it is in full effect.
8. To be aware of and comply with state and local laws.
9. To be willing to volunteer information in disciplinary cases and cooperate with school staff should they have important knowledge relating to such cases.
10. To respect and maintain the school's property and the property of others.
11. To dress and groom to meet fair standards of safety and health and common standard of decency.
12. To refrain from inaccurate reporting and indecent or obscene language in student newspapers or publications.
13. To express ideas in a manner that will not offend or slander others. To recognize and respect the rights of others.

IV. Rules of Conduct

While North Shore Community School teachers and students will work together to establish classroom rules and expectations, there are certain behaviors that will not be accepted. These behaviors include students breaking the law or endangering the safety and/or interfering with the right to learn of themselves or other students. The school will take disciplinary action in cases that include:

- A. Violations such as damage or destruction of school property, theft, vandalism, and arson
- B. Assault, fighting, and other forms of physical abuse
- C. Abusive, threatening, profane or obscene language; racial, ethnic, religious or sexual slurs; degrading remarks – spoken or written; or any forms of racial or religious harassment
- D. Defiance, disobedience, and disrespectful behavior
- E. Use, consumption, possession, or selling of dangerous or nuisance substances on school property, at school-sponsored activities or away from school that lead to dangerous or harmful activities on school grounds. (Examples include, but are not limited to, alcohol, drugs, inhalants and tobacco.)
- F. Possession of a firearm, weapon, ammunition, or dangerous substance on school grounds or at school activities.
- G. Violation of school bus or transportation rules.
- H. Violation of the school district's Bullying Prohibition Policy
- I. Violation of the school district's Internet Acceptable Use and Safety Policy.

V. Disciplinary Action

Maintaining discipline within the school and on the playground is the responsibility of all staff members. Actions the school may take following the above violations may include, but are not limited to:

- A. Student/teacher conference
- B. Parent contact
- C. Parent conference
- D. Personal and/or financial restitution toward victims
- E. Removal from class
- F. Loss of privilege
- G. In school monitoring or revised class schedule
- H. Referral to community services or outside agencies
- I. Suspension from school (in-school or out-of-school)
- J. Expulsion from school

VI. Students with Disabilities

A student with an individual education plan shall not be excluded or expelled when misconduct is related to the student's disability. When it is determined in a team meeting or a Pupil Fair Dismissal Act proceeding that a student's misconduct is related to the student's disabling condition, then the assessment, IEP, and least restrictive alternative shall be reviewed.

VII. Procedures for Informing Students and Parents about Rules

Copies of the school's discipline policy are published in the student handbook. Parents will be notified in writing of repeated or serious violations of the rules of conduct and resulting disciplinary actions. Students will be verbally notified of the violations of rules of conduct and resulting disciplinary actions except as provided otherwise by the Pupil Fair Dismissal Act.

VIII. Suspension

The North Shore Community School Board and administration recognize that the rights of all students have to be respected. Along with these rights, there is a corresponding responsibility for students to follow school rules and regulations. Therefore, the students at North Shore Community School who fail to abide by the guidelines established below may be subject to assignment to an alternative educational program or be suspended from further school attendance.

A. Guidelines for Students

1. Infraction: Use or possession of illegal drugs, chemicals, or alcohol beverages in a school building, on school grounds on the bus, or during a school sponsored function.
2. Infraction: Use or possession of tobacco in any form in the school building, on school grounds, on the bus, or during a school sponsored function.

3. Infraction: Missing classes, truancy, leaving the school building or the school grounds, and insubordination.

4. Infraction: Assault, fighting, theft, harassment, destruction of school property, breaking and entering, or possession of a firearm, weapon, ammunition, or dangerous substance in the school building, on school grounds, on the bus, or during a school sponsored function.

Policy: At the discretion of the Director, disciplinary action may include but is not limited to one or more of the following:

1. Detention or Suspension
2. Notification of law enforcement officials or court action
3. Payment for damages or restitution
4. Parental conference
5. Referral to an alternative placement unit

B. Forms

The following is a list of forms and other material which will be made available:

1. Discipline form for notice of suspension, expulsion or exclusion.
2. Pupil Fair Dismissal Act of 1974 (Minnesota Statute 127.26-127.40).
3. Written notice of intended action and hearing (if needed).
4. Authorization to release records pertaining to hearing.
5. Procedures and duties of hearing officer.
6. Report of hearing officer.
7. Copy of Student Bill of Rights.

C. Procedure in a Student Suspension Action

1. Parents are given a copy of the notice of suspension, and a copy of the School Discipline Policy if requested.
2. Student is referred to alternative placement if determined by the Director (within five days).
3. If alternative placement is warranted, the student and parents will be notified of the decision and what will happen before the student is returned to the regular school program.
4. If expulsion is warranted, then the following will take place:
 - (i) Director will fill out notice of intended action and hearing form to be presented to the Board of Education.
 - (ii) Director will, by certified mail, send notice of hearing and release of information form, if they want a representative to have access to records pertaining to the student.
 - (iii) Director must provide a hearing officer who will hear the case within ten days of the certified letter.

(iv) Within two days of the hearing, the hearing officer will make a written report to the Board.

(v) The Board must act upon the findings of the hearing officer within five days of receiving the report.

(vi) If the Board moves for exclusion, then the Director will notify the Commissioner of Education within thirty days, who will make the final decision, subject to judicial review.

IX. Annual Review

The administrator and staff will review the discipline policy annually to ensure that it is applied properly. The board will review and revise the policy as necessary.