

MODERN MONTESSORI CHARTER SCHOOL

Board Adopted: September 15, 2021

506 STUDENT DISCIPLINE POLICY

[Note: The provisions of this policy substantially reflect the requirements of Minnesota Statutes.]

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

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

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

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. It is the position of MMCS that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted with 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 school board, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of MMCS.

III. AREAS OF RESPONSIBILITY

- A. **THE SCHOOL BOARD.** The school board holds all school personnel responsible for the maintenance of order within MMCS and supports all personnel acting within the framework of this discipline policy.
- B. **DIRECTORS.** The directors 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 directors shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy. The directors are given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The directors shall give direction and support to all school personnel performing their duties within the framework of this policy. The directors shall consult with parents of students conducting themselves in a manner contrary to the policy. The directors shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. Any staff member, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- C. **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.
- D. **OTHER SCHOOL DISTRICT PERSONNEL.** All district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the directors. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- E. **PARENTS OR LEGAL GUARDIANS.** Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- F. **STUDENTS.** All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- G. **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 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 appealed, 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. CODE OF STUDENT CONDUCT

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

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

3. Gambling, including, but not limited to, playing a game of chance for stakes;
4. Hazing;
5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission;
6. Opposition to authority using physical force or violence;
7. Using, possessing, or distributing tobacco or tobacco paraphernalia;
8. Using, possessing, distributing, or being under the influence of alcohol or other intoxicating substances or look-alike substances;
9. Using, possessing, distributing, or being under the influence of narcotics, drugs, or other control substances, or other look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student;
10. Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia;
11. Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects;
12. Violation of MMCS Weapons Policy;
13. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
14. Possession, use, or distribution of explosives or any compound mixture, the primary or common purpose or intended use of which is to function as an explosive;
15. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation;
16. Using an ignition device, including butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school;
17. Violation of any local, state, or federal law as appropriate;
18. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats;
19. Possession of nuisance devices or object which cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;
20. Violation of school bus or transportation rules or the school bus safety policy;
21. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on school property in such a manner as to endanger persons or property;
22. Violation of directives or guidelines relating to lockers or improperly gaining access to a school locker;
23. Possession or distribution of slanderous, libelous, or pornographic materials;
24. 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 a minor, or clothing containing objectionable emblems, signs, words, objects, or

- pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership;
25. Criminal activity;
 26. Falsification of any records, documents, notes, or signatures;
 27. Tampering with, changing, or altering records or documents of MMCS by any method including, but not limited to, computer access or other electronic means;
 28. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
 29. Impertinent or disrespectful language toward teachers or other school district personnel;
 30. Sexual and/or racial abuse and/or harassment;
 31. 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 school district personnel, or other persons;
 32. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
 33. 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;
 34. 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;
 35. Physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist;
 36. 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;
 37. Violation of school rules, regulations, policies, or procedures; and
 38. Other acts, as determined by MMCS, 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 interferes with or obstruct the mission or operations of MMCS or the safety or welfare of students or employees.

VII. DISCIPLINARY ACTION OPTIONS

It is the general policy of MMCS 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 MMCS. At a minimum, violation of school district rules, regulations, policies, or procedures will result in discussion of the violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by MMCS. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Classroom Managed:

- a. Student conference with teacher, directors, counselor, or other school district personnel, and verbal warning;
 - b. Parent contact;
 - c. Parent conference;
 - d. Loss of classroom privileges;
 - e. Behavior room or in-school support services;
 - f. Buddy room or Take a break;
 - g. Behavior contract;
- B. Administration Managed:
- a. Removal from class;
 - b. In-school suspension;
 - c. Suspension from extracurricular activities;
 - d. Detention or restriction of privileges;
 - e. In-school monitoring or revised class schedule;
 - f. Referral to community resources or outside agency services;
 - g. Financial restitution;
 - h. Referral to police, or other law enforcement agencies, or other appropriate authorities;
 - i. A request for a petition to be filed in district court for juvenile delinquency adjudication;
 - j. Out-of-school suspension under the Pupil Fair Dismissal Act;
 - k. Preparation of an admission or readmission plan;
 - l. Expulsion under the Pupil Fair Dismissal Act;
 - m. Exclusion under the Pupil Fair Dismissal Act; and/or
 - n. Other disciplinary action as deemed appropriate by MMCS.

VIII. REMOVAL OF STUDENTS FROM CLASS

Teachers have the responsibility of attempting to modify disruptive behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contracting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" means any actions taken by a teacher, principal, or other school district employee to prohibit a student from attending 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 school district employees, the student or other students, or the property of the school;

3. Willful violation of any school rules, regulations, policies, or procedures, including the Code of Student Conduct in this policy; or
4. Other conduct, 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.

MMCS shall notify the parent or legal guardian of the student's removal from class. If a student is removed from class more than three (3) times in a school year, MMCS will make reasonable attempts to convene a meeting with the student's parent or legal guardian to discuss the problem that is causing the student to be removed from class.

PROCEDURES FOR REMOVAL OF A STUDENT FROM CLASS

1. A student can be removed from the class if the disciplinary options from section VII. A. have not been successful.
2. If the severity of the behavior requires immediate removal.

RESPONSIBILITY FOR AND CUSTODY OF A STUDENT REMOVED FROM CLASS

1. Students who are removed from the classroom will be escorted by a staff member to another room, where the student may continue to work on school work under the supervision of the staff;
2. After removal from class, the directors or directors' designee retains control over and has responsibility for the student.
3. During this removal time the student will be required to complete de-escalation work, a Behavior Contract, an Incident Report form and/or a Social Conference;

PROCEDURES FOR RETURN OF A STUDENT TO A CLASS FROM WHICH THE STUDENT HAS BEEN REMOVED

1. The student may return to class after the appropriate follow up plan has been satisfied;
2. The student will be required to present the Behavior Contract or Incident Report form to the teacher and/or have a readmission meeting.

PROCEDURES FOR NOTIFICATION

1. All Behavior Contracts and/or Incident Report forms will be sent home to all parents/guardians involved in the incident in question, regardless of assignment of "fault." The Incident Report form will only show the name of the student and the follow up plan for the student and will not identify other students or follow up plans for other students who may be involved;
2. The lead classroom teacher will place a follow up call to the student's parents/guardians within 24 hours of the reported incident to gain input from the parents/guardians as to the follow up plan and consequences. Parents/guardians may request a conference with the

directors should there be disagreement with the follow up plan and designated consequences to the student.

DISABLED STUDENTS; SPECIAL PROVISIONS

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

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

1. While MMCS's student population does not represent an age group typically affected by chemical abuse problems, the Board is aware that even a young student population may present with chemical abuse issues.
2. Should a student display symptoms of chemical abuse that are not related to the documented and proper use of prescription medicines, the student may be referred to the chemical abuse pre-assessment team pursuant to Minn. Stat. §121A.26;
3. Any teacher or staff members suspecting chemical abuse shall report such observation and concerns to the chemical abuse pre-assessment team pursuant to Minn. Stat. § 121A.29.

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.
 - a. MMCS shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.
 - b. MMCS 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:
 - a. Willful violation of any reasonable school board regulation, including those found in this policy;
 - b. Willful conduct that significantly disrupts the rights of others to an education, or the ability of the school personnel to perform their duties, or school-sponsored extracurricular activities; or

- c. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.
- C. Suspension Procedures
- a. “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 (10) school days. This definition does not apply to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability.
 - b. If a student’s total days of removal from school exceed ten (10) cumulative days in a school year, MMCS shall make reasonable attempts to convene a meeting with the student and the student’s parent or guardian before subsequently removing the student from school and, with permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian’s expense. The purpose of this meeting is to attempt to determine the pupil’s need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
 - c. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. The school administration may not impose consecutive suspensions against the same student for that same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where MMCS is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of fifteen (15) days.
 - d. In the case of a student with a disability, the student’s Individual Education Plan (IEP) Team shall meet immediately but not more than ten (10) school days after the date on which the decision to remove the student from the student’s current education placement is made. The Individual Education Plan Team shall, at the meeting, conduct a review of the relationship between the child’s disability and the behavior subject to disciplinary action, and determine the appropriateness of the child’s education plan.
 - i. The requirements of the Individual Education Plan Team meeting apply when:
 - 1. The parent requests a meeting;
 - 2. The student is removed from the student’s current placement for five (5) or more consecutive days; or
 - 3. The student’s total days of removal from the student’s placement during the school year exceed ten (10) cumulative days in a school year.
 - 4. The school administration shall implement alternative educational services when the suspension exceeds five (5)

days. A separate administrative conference shall be conducted for each period of suspension.

- e. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 123A.02, although in a different setting.
- f. The school administration shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
- g. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by email within forty-eight (48) hours of the conference.
- h. The school administration shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
- i. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension.
- j. 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 (5) days.

D. Expulsion and Exclusion Procedures

- a. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date a student is expelled. The authority to expel rests with the school board.
- b. "Exclusion" means an action taken by the school board to prevent enrollment or

re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.

- c. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.
- d. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
- e. The student and parent or guardian shall be provided written notice of MMCS's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally, by email, or by mail and shall contain a complete statement of facts; a list of the witnesses and a description of their testimony; state the date, time, and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to:
 - i. Have a representative of the student's own choosing, including legal counsel at the hearing;
 - ii. Examine the student's records before the hearing;
 - iii. Present evidence; and
 - iv. Confront and cross-examine witnesses.

MMCS shall advise the student's parent or guardian that fee or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).

- f. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by MMCS, student, parent, or guardian.
- g. All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed, unless the student, parent or guardian requests an open hearing.
- h. MMCS shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
- i. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. MMCS 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 MMCS in any proceeding.
- j. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
- k. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by MMCS. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer

oaths.

- l. At a reasonable time prior to the hearing, the student, parent, or guardian, or authorized representative shall be given access to all school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
- m. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for MMCS.
- n. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
- o. The student cannot be compelled to testify in the dismissal proceedings.
- p. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.
- q. 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 (5) 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.
- r. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
- s. MMCS shall report any suspension, expulsion, or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
- t. MMCS shall report each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report shall include a statement of alternative educational services given to the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The dismissal report must include state student identification numbers of affected students.
- u. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by email of the student's right to attend and to be reinstated in the school district.

X. ADMISSION OR READMISSION PLANS

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

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, directors, or other school district official may provide additional notification as deemed appropriate.

XII. STUDENT DISCIPLINE RECORDS

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

XIII. DISABLED STUDENTS

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

Where a student is dismissed for five (5) or more consecutive days, or has accumulated more than ten (10) days of dismissal over the course of the school year, MMCS will convene a meeting to determine whether the student's educational program is appropriate and whether the behavior subject to discipline is a manifestation of the student's disability. Such a meeting must be held within ten (10) days of MMCS's decision to remove the student from his or her current educational placement and must be held before commencing an expulsion or exclusion of the student. If the student's educational program is appropriate and the behavior is NOT a manifestation of the student's disability, MMCS will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline IS a manifestation of the student's disability, the team will confer on the appropriate discipline (excluding exclusion or expulsion) and take steps to alter the student's educational program, as necessary. Regardless of whether the behavior is a manifestation of the student's disability, if the team determines that the student's educational program is either not appropriate or not being properly implemented, the team will take steps to alter the program and will take any program alterations into account in determining appropriate discipline.

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

XIV. OPEN ENROLLED STUDENTS

MMCS 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.

XV. DISTRIBUTION OF POLICY

MMCS 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 on the school's website. This policy shall also be available upon request in the main office.

XVI. REVIEW OF POLICY

This policy will be reviewed annually. Any changes will be reviewed and voted on by the board of directors.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 125A (Students with Disabilities)
Minn. Stat. §§121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.582 (Reasonable Force)
Minn. Stat. §§ 121A.60-121A.61 (Removal from Class)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. §124D.08 (Enrollment in Nonresident District)
Minn. Stat. Ch. 260A (Truancy)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)
29 U.S.C. § 794 et seq. (Section 504 of the Rehabilitation Act of 1973)

Cross References:

MSBA/MASA Model Policy 413 (Harassment and Violence) MSBA/MASA
Model Policy 501 (School Weapons)
MSBA/MASA Model Policy 503 (Student Attendance)
MSBA/MASA Model Policy 504 (Student Dress and Appearance)
MSBA/MASA Model Policy 505 (Distribution of Non School-Sponsored
Materials on School Premises by Students and Employees)
MSBA/MASA Model Policy 526 (Student Hazing Prohibition) MSBA/MASA
Model Policy 610 (Field Trips)