

STUDENTS
Board Policy 506
St. Cloud Area School District 742
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506 STUDENT DISCIPLINE

I. PURPOSE

St. Cloud Area Schools recognizes that appropriate school behavior is critical to academic success and sustaining a safe and caring learning community. It is also the intention of this policy to ensure a safe and orderly learning environment for all students and a safe working environment for staff.

Effective teaching of school appropriate behavior is the responsibility of the adults in every school. Effective school discipline includes the establishment of high expectations for engagement, school cultures that create a sense of belonging, opportunities to participate in and practice embedded social emotional learning (SEL) competencies, and an equitable response for failure to meet behavior expectations. Students share in the responsibility to practice appropriate school behavior and contribute positively to the climate and culture of their learning environment.

Effective discipline maximizes learning and teaching and minimizes disruptions to the learning process. The District invites parents/guardians to partner in learning, teaching, and supporting positive school behavior to maximize the academic success of their students.

Effective discipline considers the age and development of the student in framing the instruction around positive behavior. Effective discipline includes building and restoring relationships, and repairing harm.

This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40 through 121A.56.

II. GENERAL STATEMENT OF POLICY

- A. All district staff are committed to teaching all students and to assuring that students' learning is not disturbed by the disruptive or dangerous behavior of others.
- B. All district staff are committed to taking actions to provide a safe learning environment for all students and a safe working environment for all staff.
- C. All district staff are committed to establishing and engaging in relationships with parents/guardians, other public agencies, and community resources to ensure support for the social and emotional needs of all students.

III. DISTRICT-WIDE RESPONSIBILITIES

- A. Every school shall establish a School-Wide Behavior Plan identifying and teaching behavior expectations and identified responses within the requirements of this policy and the District's Code of Conduct. All school staff shall receive training on the school's plan. The school will provide opportunities for parents/guardians to provide feedback on the school disciplinary environment.
- B. Every classroom will establish and teach behavior expectations within the district's policy, the District's Code of Conduct, Student Handbook, and the school's positive behavior plan with participation from the students in the classroom.
- C. Every school employee is expected to demonstrate high standards of behavior, modeling calm and positive responses to student behavior.
- D. Every school will examine its discipline data to assure that responses to student behavior do not show evidence of bias or discriminatory behavior. Statistical data alone will not establish bias or discrimination. Schools shall also use behavior data to identify and provide additional training to staff and students; and to provide effective interventions for students to improve student outcomes.
- E. Individual needs shall be considered in determining the appropriate response to behavior that does not meet school standards.
- F. All students are subject to the terms of this discipline policy. Students with disabilities are entitled to the procedural protections of Section XI.
- G. Students, Staff and Parents/Guardians will receive annual notice of the Rights and Responsibilities: Code of Conduct and Superintendent's correspondence supporting it.
- H. Students, Staff and Parents/Guardians shall receive annual notice of the school behavior expectations established by individual schools.

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 adhering 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. Any guidelines or directives established to implement this policy shall be approved by the Superintendent and submitted to the School Board for approval.
- C. **Principal.** Principals are responsible for leading the collaborative development of the school's behavior and restorative practices plan; assuring that annual notices are given to students, parents/guardians and staff ; developing and sustaining partnerships with identified community resources; leading the review of school behavior data to identify training needs with a view toward improving student outcomes; and reviewing behavior data with the Assistant Superintendent or other District leadership no less than quarterly. 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 serious bodily harm or death to another.
- D. **Teachers.** Teachers are responsible for leading the development of the classroom behavior and procedures; assuring that all students are taught the expected school behavior in their classroom and school; participating in identifying students that would benefit from additional support from school and community resources; participating in implementation of the school's positive behavior plan; participating in data review, necessary training, and analysis of behavior data to improve student outcomes; and enforcing the Code Of 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 serious bodily harm or death to another.
- E. **Other School District Personnel.** Other school district personnel are responsible for implementing the district and school behavior standards, participating in data review as directed by the principal or site administrator, and attending necessary training to improve student outcomes. 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 serious bodily harm or death to another.

- F. **Parents or Legal Guardians.** Parents or legal guardians are responsible to partner with their student's schools to implement the school behavior standards and school and classroom rules to improve their student's outcomes. Parents/guardians shall review the Code of Conduct and will help their students learn the behavior standards of their schools and classrooms.
- G. **Students.** All students shall be held individually responsible for their behavior. Students will learn and meet the behavior expectations of this district, their school and their classrooms; will take personal responsibility for their behavior as they are able, and work to improve the relationships they have with their peers, their teachers, and with other school staff; will know and be responsible for meeting the expectations set forth in the Code of Conduct, student handbooks, and this policy.
- H. **Community Members.** Members of the community are expected to contribute to the establishment of an environment in which rights and responsibilities are effectively acknowledged and fulfilled.

V. DISCIPLINARY ACTION OPTIONS

GENERAL STATEMENT OF PROCEDURE

- A. All responses to inappropriate student behavior shall include elements of teaching or re-teaching appropriate school behavior; or provide opportunities to repair harm to relationships affected by the student behavior.
- B. Students will remain in their instructional setting unless the disruption to the educational environment can only be remedied by a referral/removal out of the classroom, or the referral/removal out of the classroom is required by law. Alternatives to removal may include but are not limited to:
 - 1. reminders of school or classroom rules and behavior expectations
 - 2. redirection of behaviors
 - 3. modification of instruction
 - 4. teaching and practicing replacement skills
 - 5. re-teaching expectations and skills
 - 6. student-teacher conferences
 - 7. self-charting of behaviors

8. role play
 9. small group instruction or lessons on anger management, conflict resolution, bus safety, etc.
 10. parent/guardian notification
 11. conferring with student support staff
 12. consultation with school subject matter experts, and
 13. creation of a behavior plan.
- C. School personnel dealing with violations of the Code of Conduct by students with disabilities will – consistent with due process requirements:
1. Assure that no discipline will be applied to a student with a disability greater than would be applied to a student who is not disabled.
 2. To the maximum extent possible, hold the student to the same standards of conduct as other students, unless the violation is a manifestation of their disability or the Behavior Intervention Plan (BIP) provides for an accommodation consistent with the student’s setting.
 3. Seek to provide supports to the student and the student’s classroom teacher so that the student can function effectively in that setting, and where that is not possible, explore whether a change in setting is appropriate.
 4. Take effective measures to provide support to the classroom teacher to maintain appropriate classroom management, and where necessary take measures to adjust the setting.
 5. Provide a prompt and responsive plan for the classroom teacher to address classroom management concerns and seek additional support.
- D. Opportunities for students to repair relationships affected or harmed by their behavior shall be provided. These opportunities may include, but are not limited to:
1. conversations
 2. restorative circles
 3. school-based service
 4. peer mediation

5. reflection process
 6. neutral party mediations
 7. family group conferences
 8. restitution for property incidents
- E. The Multi-Tiered System of Support Team is the District’s support process designed to maximize student achievement through the alignment of various supports that exist within St. Cloud Area Schools. The MTSS team in each building makes referrals for special education evaluation and serves as the chemical abuse preassessment team. (See Policy 417 for Chemical Use and Abuse procedures)
- F. Confiscation by school 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. If the student is eighteen years of age or older and is not under guardianship, the confiscated item will be returned to the student.
- G. Rules governing student conduct and responses for infractions of such rules are established as indicated in the Code of Conduct: Rights and Responsibilities. See Code of Conduct: Rights and Responsibilities link: <http://stcloud742.schoolwires.net>

VI. REMOVAL OF STUDENTS FROM CLASS

A. REMOVALS

The teacher of record shall have the general control and government of the classroom, including physical or virtual learning environments. Teachers have the responsibility of managing disruptive student behavior by explicitly teaching behavioral expectations; maximizing academic engagement and success; and by responding to disruptive behavior through means such as conferring with the student, implementing proactive behavioral supports, 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 according to school procedures.

“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 (5) days, pursuant to this discipline

policy.

Grounds for removal from class shall include any of the following:

1. the ability of other students to learn;
2. Willful conduct that endangers others, including School District employees, the student or other students, or the property of the school; or
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy.
4. Willful conduct that materially and substantially 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

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.

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

- B. When an incident occurs that necessitates removal from the classroom, including physical or virtual learning environments, the teacher will contact the administrator/administrative designee. Upon removal, the administrator/administrative designee will meet with the student. The administrator may refer the student to the Student Support Room. If the student has an IEP, the administrator/administrative designee will notify the IEP Manager. Students who are removed from class will be in the custody of the administrator/ administrative designee.
- C. When students with a disability are dismissed or removed from class, the IEP Manager or 504 Coordinator will be notified. The IEP Manager or 504 Coordinator and relevant team members will consider the adequacy of the IEP or 504 Plan, the need for additional assessment when there is a pattern of removals or significant behavior issues and/or the need for additional support and training for the student's teachers.
- D. The administrator/administrative designee will work with the student and teacher to determine when the student transitions back to class.

VII. 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 dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during the dismissal period. **The notice requirements under section 121A.46 do not apply to a dismissal of one day or less, unless the day counts as a day of suspension for a special education student.**

The School District 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 School District 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 school 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 school personnel to perform their duties, or school sponsored extracurricular activities; or
 3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.
- C. If a student’s total days of dismissal from school exceed ten (10) 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, contact the Mental Health Crisis Triage System (MHCTS) to 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 need for a referral to Multi-Tiered System of Support (MTSS) Team, 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.

D. Suspension Procedures

1. "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; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the Superintendent with a reason for the longer term of suspension. This definition applies to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
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 fifteen (15) school days.
3. When a student with a disability has been suspended more than five (5) consecutive days or 10 cumulative school days in the same school year and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's IEP team, including at least one (1) of the child's teachers shall meet immediately but not more than ten (10) school days after the sixth consecutive day of suspension or the tenth cumulative day of suspension elapsed. The team shall determine the extent to which the student needs services in order to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's individualized education program.
4. The school administration shall implement alternative educational services

when the suspension exceeds five (5) consecutive school 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.

5. 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 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 informal administrative conference is required for each period of suspension.

After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, opt to utilize an alternative to suspension, taking into account the needs and circumstances of the student.

6. 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 through 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.
7. 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.

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.

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.

E. Expulsion and Exclusion Procedures

1. "Expulsion" means School Board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled. The authority to expel rests with the School Board.
2. "Exclusion" means an action taken by the School Board to prevent enrollment or 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.
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 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 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 through 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 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 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 School District, 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 School District 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 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.
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 the student's records and allowing the representative to obtain copies thereof.
11. All expulsion or exclusion hearings shall take place before and be conducted by a quorum of the School Board or an independent hearing officer. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the individual or body conducting the hearing 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 School District records pertaining to the student, including records 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 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.
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 individual or body conducting the hearing shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing. The findings and recommendation must be made to the School Board. The findings and recommendation shall be served upon the parties within two (2) days after the close of the hearing.

17. The School Board shall base its decision upon the findings and recommendation of the individual or body conducting the hearing 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 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 MDE of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the School Board may appeal the decision to the Commissioner of MDE 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.
19. The School District shall report any expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The School District 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 include the student's age, grade, gender, race, and special education status. The dismissal report must also include state student identification numbers of affected students.
21. 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 mail of the student's right to attend and to be reinstated in the School District.

VIII. READMISSION AFTER DISMISSAL

- A. Prior to the return of a student assigned an out of school dismissal from instruction to the student's regular class attendance, the principal shall require the student's attendance at an informal administrative conference prior to the return to classes. Such conferences shall be noticed to the parent/guardian of the student, who are encouraged to attend the conference.

- B. The principal shall prepare a readmission plan at the time of each out of school removal from instruction. The proposed plan may include:
1. procedures for the student's return to school and classes;
 2. provision for an alternative program, which may include, but is not limited to:
 - a. makeup school work;
 - b. assigned homework;
 - c. changes in assigned courses or classroom;
 - d. changes in student's schedules;
 - e. provision of tutorial service;
 - f. provision of student support services;
 - g. provision of information concerning mental health or other community supports;
 - h. monitoring and prohibition of personal items;
 - i. reassignment to a different educational setting.
- C. The proposed readmission plan may be amended upon agreement between the principal, the student, and the parent/guardian.
- D. The term of the out of school removal from instruction shall be served by the student regardless of the timing of the readmission conference.
- E. If a reassignment to a different educational setting is proposed, the principal shall follow district procedures for reassignment, and the due process rights of the student shall be observed.
- F. It is preferable to have a face-to-face meeting at school; however, the informal administrative readmission conference may be held by telephone or at an off-campus site if necessary to meet the needs of the student/parent/guardian.

IX. 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 thirty (30) days of the assault. This report must include a statement of the alternative educational services or other sanction, intervention, or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the student's age, grade, gender, race, and special education status.

X. STUDENT DISCIPLINE RECORDS

It is the policy of the School District 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. Chapter 13.

XI. STUDENTS WITH DISABILITIES

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

When a student with a disability is dismissed for more than ten (10) days in a school year, is being considered for a 45-day unilateral placement, or before initiating any expulsion or exclusion, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination to review all relevant information in order to 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 behavior is not a manifestation of the student's disability, the School District 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. Such a meeting must be held within ten (10) school days of the school district'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 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.

IDEA has three categories of exceptions where, regardless of whether the behavior is a manifestation of the student's disability; a district may remove the student to an alternative setting for not more than forty-five school days.

The exceptions apply if the student:

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the District;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the District; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District.

When a student who has an IEP or a 504 plan is excluded or expelled, the School District shall continue to provide special education and related services during the period of exclusion or expulsion.

XII. DISTRIBUTION OF POLICY

The School District will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. This policy shall also be available upon request in each Principal's office and is on the District website.

XIII. REVIEW OF POLICY

The committee reviewing the Climate Survey shall confer at least annually to determine if the discipline policy is effective. Any recommended changes shall be submitted to the Superintendent for consideration by the School Board.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.26 (School Preassessment Teams)
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
Minn. Stat. § 121A.582 (Reasonable Force)
Minn. Stat. §§ 121A.60 to 121A.61 (Removal from Class)
Minn. Stat. § 122A.42 (General Control of Schools)
Minn. Stat. § 123A.05 (Area Learning Center Organization)
Minn. Stat. § 125A (Student 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. (Section 504 of the Rehabilitation Act of 1973)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Act)
34 C.F.R. § 300.530(e)(1) (Manifestation Determination)

Cross References: Board Policy 501 (Weapons)
Board Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
Board Policy 503 (Student Attendance)
Board Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)
Board 514 (Bullying Prohibition)
Board Policy 524 (Internet Responsible Use and Safety Policy)
Board Policy 526 (Hazing)

Board Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)
Board Policy 610 (Field Trips)
Board Policy 709 (Student Transportation Safety Policy)

The Pupil Fair Dismissal Act is available at school offices.

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