TRIO Wolf Creek Distance Learning Charter School #4095

506 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the charter school's expectations for student conduct. Such compliance will enhance the charter school's ability to maintain discipline and ensure that there is no interference with the educational process. The charter school 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 charter school board recognizes that individual responsibility and mutual respect are essential components of the education process. The charter school board further recognizes that the nurturance of the maturing process for 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 the charter school that a fair and equitable student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40 through 121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the charter school board, with the participation of school administrators, teachers, learning managers, employees, students, parents and community members and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the charter school. Specific building discipline procedures will be disseminated through student and learning manager handbooks.

III. AREAS OF RESPONSIBILITY

A. The Charter School Board. The charter school board holds all school personnel responsible for the maintenance of order within the school and supports all personnel acting within the framework of this discipline policy.

B. Director. The Director 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 Director shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the charter school board for approval and shall be attached as an addendum to this policy.

C. Dean of Students. The Dean of Students is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final charter school board approval. The Dean of Students shall give direction and support to all school personnel performing their duties within the framework of this policy. The Dean of Students shall consult with parents of students conducting themselves in a manner contrary to the policy. The Dean of Students 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. The Dean of Students, in exercising 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. Learning Managers. All learning managers 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 learning managers shall enforce the Code of Student Conduct. In exercising the learning manager's lawful authority, a learning manager 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 Charter School Personnel. All school 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 Director. A school employee, or other agent of the charter school, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

IV. STUDENT RIGHTS

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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 as requested, 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 charter school policy;

L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;

M. To conduct themselves in an appropriate physical or verbal manner; and

N. To recognize and respect the rights of others.

VI. CODE OF STUDENT CONDUCT

A. The following are examples of unacceptable behavior subject to disciplinary action by the charter school. 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 charter school buildings, school grounds and school property, school-

sponsored activities or trips, school buses, school vehicles, school contracted vehicles or any other vehicles approved for charter school purposes that are 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 the charter school 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. Violation of the charter school's Hazing Prohibition Policy.

5. Attendance problems including, but not limited to, truancy, absenteeism, tardiness, skipping classes, or leaving school grounds without permission.

6. Violation of the charter school's Student Attendance Policy.

7. Violent opposition to authority.

8. Using, possessing or distributing tobacco, tobacco-related devices, electronic cigarettes, or tobacco paraphernalia in violation of the charter school's Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices Policy.

9. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation, or being under the influence of alcohol or other intoxicating substances or look-alike substances.

10. Using, possessing, distributing, intending to distribute, making a request to another person (solicitation), or being under the influence of narcotics, drugs or other controlled substances (except as prescribed by a physician), or look-alike substances (these prohibitations include medical marijuana or medical cannabis, even when prescribed by a physician, and one student sharing prescription medication with another student).

11. Using, possessing or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia.

12. Using, possessing or distributing weapons, or look-alike weapons or other dangerous objects.

13. Violation of the charter school's Weapons Policy.

14. Violation of the charter school's Violence Prevention Policy.

15. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon.

16. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function by explosion.

17. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible affect by combustion, explosion, deflagration or detonation.

18. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by the school.

19. Violation of any local, state or federal law as appropriate.

20. Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats.

21. Violation of the charter school's Internet Acceptable Use and Safety Policy.

22. The possession of nuisance devices or objects which cause distractions, including, but not limited to, pagers, radios, and phones will be regulated by the charter school director.

23. Violation of school bus or transportation rules or the Student Transportation Safety Policy.

24. Violation of parking or school traffic rules and regulations, including, but not limited to, driving on charter school property in such a manner as to endanger persons or property.

25. Violation of directives or guidelines relating to lockers/storage areas or improperly gaining access to lockers/storage areas.

26. Violation of the charter school's Search of Student Personal Possessions and Student's Person Policy.

27. Violation of the charter school's Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches Policy.

28. Possession or distribution of slanderous, libelous or pornographic materials.

29. Violation of the charter school's Bullying Prohibition Policy.

30. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership.

31. Criminal activity.

32. Falsification of any records, documents, notes, or signatures.

33. Tampering with, changing, or altering records or documents of the charter school by any method including, but not limited to, computer access or other electronic means.

34. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment, plagiarism or collusion, including the use of picture phones or other technology to accomplish this end.

35. Impertinent or disrespectful words, symbols, acronyms, or language, whether oral or written, related to teachers, learning managers, or other charter school personnel.

36. Violation of the charter school's Policy Prohibiting Harassment and Violence, including but not limited to retaliation under that policy.

37. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, learning managers, students, other charter school personnel, or other persons.

38. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment.

39. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure. Harassment includes, but is not limited to, threatening emails or social networking language that pertains to and has a direct nexus to school.

40. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of words, symbols, acronyms, or language, whether oral or written, that are discriminatory, abusive, obscene, threatening, intimidating, degrading to other people, or threatening to school property.

41. Physical or verbal threats, including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist.

42. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin, or sexual orientation.

43. Violation of the charter school's Distribution of Non-school-Sponsored Materials on School Grounds by Students and Employees Policy.

44. Disobedience or insubordination to teachers or other charter school personnel.

45. Violation of school rules, regulations, policies or procedures, including, but not limited to, those policies specifically enumerated in this policy.

46. Other acts, as determined by the charter school, which are disruptive of the educational process or dangerous or detrimental to the student or other students, charter school 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 the charter school or the safety or welfare of students or employees.

VII. DISCIPLINARY ACTION OPTIONS

It is the general policy of the charter school to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of the charter school. At a minimum, violation of charter school rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The charter school shall, however, impose more severe disciplinary sanctions for any violation, including suspension, exclusion, and/or expulsion, if warranted by the student's misconduct, as determined by the charter school. Disciplinary action may include, but is not limited to, one or more of the following:

A. Student conference with teacher, learning manager, director or other charter school personnel, and verbal warning;

B. Confiscation by charter school personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any charter school policy, rule, regulation, procedure, or state or federal law. If confiscated by the charter school, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation;

C. Parent contact;

D. Parent conferences;

E. Removal from class or campus;

F. In-school suspension;

G. Suspension from extracurricular activities;

H. Restriction of privileges;

I. Loss of school privileges;

J. In-school monitoring or revised campus schedule;

K. Referral to in-school support services;

L. Referral to community resources or outside agency services;

M. Financial restitution;

N. Referral to police, other law enforcement agencies, or other appropriate authorities;

O. Petition County Court for juvenile delinquency adjudication;

P. Out-of-school suspension under the Pupil Fair Dismissal Act;

Q. Preparation of an admission or readmission plan;

R. Saturday School;

S. Expulsion under the Pupil Fair Dismissal Act;

T. Exclusion under the Pupil Fair Dismissal Act; and/or

U. Other disciplinary action as deemed appropriate by the charter school.

VIII. REMOVAL OF STUDENTS FROM CLASS

A. The learning manager of record shall have the general control and government of the classroom. Learning managers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, other consequences, or contacting the student's parents. When such measures fail, or when the learning manager determines it is otherwise appropriate based upon the student's conduct, the learning manager shall have the authority to remove the student from class which could allow a student to continue to access online curriculum from a location other than the Wolf Creek Campus. "Removal from class" and "removal" mean any actions taken by a learning manager, administrator, or other charter school employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

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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 learning manager'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 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 learning manager 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.

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 administrator, in consultation with the learning manager.

B. If a student is removed from class more than ten (10) times in a school year, the school 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 Removal of a Student from Class.

1. A learning manager, paraprofessional, or other charter school staff members may remove a student from class. The staff member should escort the student to one of the resource rooms or to the school office based on the severity of the student behavior and the current level of cooperation.

2. Pre-approval of the administration is not required for removal of a student from class.

3. The incident and consequences leading up to the removal from class must be documented in the student information system by the staff member conducting the removal. Additional incident reports must be completed as necessary. In the case of suspension, the school administration shall complete a Notice of Suspension and contact parents.

D. Responsibility for a Custody of a Student Removal From Class

1. A student may be removed to a resource room or to the office area.

2. Students should be escorted to the selected location whenever the staff member determines that misbehavior may continue.

3. If the student is not escorted to the selected location, the staff member removing the student must contact the staff member at the selected location to alert them that the student is on his/her way.

4. While the student is in the removal location, they must fulfill any requirements of the discipline policy, such as calling home, writing a behavior reflection, or writing an apology.

5. The staff member with supervisory responsibility over the removal location assumes responsibility for the student once the student arrives.

E. Procedures for Return of a Student to a Class from Which the Student was Removed

1. When a student is removed from class and no suspension is involved, the student may return to class following a suitable cooling-off period and after completion of any additional steps required by the removing staff member, charter school administration, or other staff member.

2. If a student's removal from class results in the student being suspended, the dean of students will re-admit the student pursuant to a re-admission plan.

F. Procedures for Notification

1. The Dean of Students shall determine the necessity of parent/guardian notification resulting from the student being removed from class.

2. The Dean of Students will work with the learning manager or other charter school staff member who removed the student from class to notify the student of the violation of the discipline rules and resulting disciplinary action.

G. Disabled Students; Special Provisions

1. All students with an IEP are generally expected to follow the same discipline policy as all other students. Repeated removals from class may result in the development of a behavior plan, which may or may not be integrated into the IEP.

2. When a student with an IEP is removed from class, the administrator or supervisor of the room to which the student has been removed will notify the case manager. The case manager may review the incident report and determine whether the incident or any pattern of incidents requires revision of the IEP or behavior plan.

H. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises

1. The Dean of Students and all learning managers and charter school staff will abide by the charter school's Chemical Use and Abuse and Drug Free Workplace/Drug Free School Policies.

I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct

1. Students who do not comply with charter school rules and regulations will face appropriate consequences. Consequences may range from a single reminder, to detention, suspension, or expulsion. The severity of the consequence will depend upon the degree and frequency of the student's behavior.

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

1. Parents are encouraged to communicate with their child's learning manager. Parents will be notified of their child's behavior and progress via conferences, phone calls, email or written communication from the school.

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

1. The charter school shall establish and maintain a problem-solving process and child-find process designed to encourage early detection of behavior problems. These processes shall be designed to include input from a variety of staff members as well as parents at appropriate steps. Any appropriate charter school staff members may be involved.

IX. DISMISSAL

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

The charter school 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 charter school 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 charter 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 employees, or property of the school.

C. Suspension Procedures

1. "Suspension" means an action by the school administration, under rules promulgated by the Charter 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 Director with a reason for the longer term of suspension. This definition does not apply 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. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school 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.

3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. 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 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.

4. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative 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 learning managers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.

5. The 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 student to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.

6. 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 administrative conference is required for each period of suspension.

7. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:

    a. strongly encourage a parent or guardian of the student to attend school with the student for one day;

    b. assign the student to attend school on Saturday as supervised by the Director or the Director's designee; and

c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.

8. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)

9. The 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.

10. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.

11. Notwithstanding the foregoing provisions, the student may be suspended pending the charter 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

1. "Expulsion" means a charter school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the charter school board.

2. "Exclusion" means an action taken by the charter 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 charter 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 charter school'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-

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 charter school 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 charter school, 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 charter school shall record the hearing proceedings at school 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 charter school 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 charter school board may appoint an attorney to represent the charter school in any proceeding.

10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.

11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the charter school. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.

12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all charter school records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.

13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school 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 charter school.

14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

15. The student cannot be compelled to testify in the dismissal proceedings.

16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the charter school board and served upon the parties within two (2) days after the close of the hearing.

17. The charter 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 charter 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 charter 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.

18. A party to an expulsion or exclusion decision made by the charter school board may appeal the decision to the Commissioner within twenty-one (21) calendar days of charter school board action pursuant to Minn. Stat. § 121A.49. The decision of the charter school board shall be implemented during the appeal to the Commissioner.

19. The charter school shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.

20. The charter school must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.

21. Whenever a student fails to return to 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.

X. 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.

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, learning manager, director or other charter school official may provide additional notification as deemed appropriate.

In addition, the charter school must report, through the MDE electronic reporting system, each physical assault of a charter school 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.

XII. STUDENT DISCIPLINE RECORDS

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

XIII. DISABLED STUDENTS

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

Before initiating an expulsion, exclusion, or other change of placement resulting from a violation of the charter school's policies, 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 <u>not</u> a manifestation of the student's disability, the charter school 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 <u>is</u> 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 had not conducted such assessment prior to the manifestation

determination before the behavior that resulted in a change of placement, and take any other action required by law. 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 and take other action required by law.

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 shall continue to provide special education and related services during the period of expulsion or exclusion, to the extent required by law.

XIV. DISTRIBUTION OF POLICY

The charter school 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 shall also be available upon request in the director's office.

XV. REVIEW OF POLICY

There shall be an annual review of the procedures of this discipline policy each year. Any recommended changes shall be submitted to the charter school director for consideration by the charter school board, which shall conduct an annual review of this policy.

Legal References:
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.26 (School Preassessment Teams)
Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
Minn. Stat. §§ 121A.40 to 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. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (Enrollment in Non-resident District)
Minn. Stat. Ch.125A (Students with Disabilities)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat.Ch.260A (Truancy)
Minn. Stat. Ch. 260C (Juvenile Court Act)
20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. 794 *et seq.* (Rehabilitation Act of 1973, § 504)
34 C.F.R. § 300.530(e) (1) (Manifestation Determination)

Cross References:
Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices)
Policy 501 (School Weapons Policy)

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MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
Policy 503 (Student Attendance)
Policy 504 (Student Dress and Appearance)
Policy 505 (Distribution of Non-school-Sponsored Materials)
Policy 514 (Bullying Prohibition Policy)
Policy 524 (Internet Acceptable Use and Safety Policy)
Policy 525 (Violence Prevention)
Policy 526 (Hazing Prohibition)
Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)
Policy 709 (Student Transportation Safety Policy)
MSBA Policy 711 (Video Recording on School Buses)
Policy 712 (Video Surveillance Other Than On Buses)

TRIO Wolf Creek Distance Learning Charter School #4095

(Sample Form)
NOTICE OF SUSPENSION
(Date)

(Name of Parent or Guardian)
(Address)
(City, State, Zip)

Dear (Parent or Guardian)

(Name of Student) has been suspended from (name of school) for (number of days) commencing on (date).

The grounds for suspension are:

Briefly, the facts that have been determined are:

The testimony received was:

An administrative conference to determine the above was conducted before

_____, at _____ on _____
(Name of Administrator) (Time) (Date)

pursuant to Minn. Stat. §§ 121A.40-121A.56, a copy of which is enclosed.

The plan of readmission is:

Alternative educational services in the form of homework will be available to be picked up at the school after _____[date]_____.

While suspended, the student may not come on any school campus except with you for the purpose of discussing conduct.

If you have any questions, please call.

Sincerely,

_____
Administrator

Enc: Minn. Stat. §§ 121A.40-121A.56