

# Student Handbook, 2018-19



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## About this Handbook

This handbook includes an overview of HSRA policies, regulations and procedures about student rights and responsibilities. Those documents are periodically updated in response to changes in the law and other circumstances. Therefore, there may have been changes to the documents reviewed in this handbook since the handbook was printed. If you have questions or would like more information about a specific issue, contact school administration.

## High School for Recording Arts Mission and Vision

The mission of HSRA is to provide youth the opportunity to achieve a high school diploma through the exploration and operation of the music business and other creative endeavors.

- Culturally Sensitive
- Alternative Educational Programming
- Personalized Project-Based Learning
- Diverse Population
- Drug-Free Learning Environment
- Adult-Supervised
- Positive Mentoring
- Safe Space
- Job Training

Vision: HSRA creates a culture of acceptance and creativity that realizes the full potential of all young people, despite previous challenges. We engage students through exploration of music, media, technology and the entertainment industry so that they acquire both core learning and real-world, 21st-century skills. In addition to earning a high school diploma, HSRA students are empowered to be responsible citizens and lifelong learners who pursue post-secondary education and productive careers.

## Student Rights

The Board of Education recognizes that students are entitled to the civil liberties guaranteed all citizens. One of the primary goals of public education is to prepare students to successfully complete the transition from school into the general society in which they will live to accept the responsibility commensurate with the rights and privileges that they have and those they will assume.

HSRA provides an environment in which students may exercise the rights and privileges for the society in which they live, with its proportional amount of responsibility.

Students have the right to freely express ideas, verbally or in writing, within their school program. Responsible criticism and reasonable dissent are basic to the educational process. However, false statements, disruptive activities, threats, the use of obscenities, profanity or ridicule, and advocating violation of the law or school rules and regulations are unacceptable means of expression.

Students have the right to be safe and free from threatening situations on school property, at school activities and in district vehicles.

## Prohibition of Harassment, Violence and Hazing

HSRA is committed to maintaining an education and employment environment that is free from harassment and violence, and hazing on the grounds of sex, sexual orientation, race, religion, color, creed, national origin, marital status, and disability, status with regard to public assistance or age. HSRA prohibits, any form of harassment and violence, and hazing on the grounds of sex, race, religion, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age.

It is a violation of this policy for any HSRA personnel (including school board members, district employees, agents, volunteers, contractors and/or other persons subject to the supervision and control of the district) or student to harass an employee, student, visitor or other person through conduct or communication of a sexual nature or regarding sex, race, religion, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age as defined by this policy and supporting administrative regulations. It is a violation of this policy for any HSRA personnel or student to inflict, threaten to inflict or attempt to inflict violence based on sexual, racial, religious, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age upon any employee, student, visitor or other person.

It is a violation of this policy for any HSRA personnel or student to plan, direct, encourage, aid or engage in hazing.

HSRA will act to investigate all complaints, either formal or informal, verbal or written, of sexual, racial, religious, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age harassment or violence, or hazing, and to discipline or take appropriate action against any student, employee or other district personnel who is found to have violated this policy. HSRA has written procedures for reporting and investigating all complaints of sexual, racial, religious, color, creed, national origin, marital status, disabilities status with regard to public assistance, sexual orientation or age harassment or violence, or hazing, provides for appropriate disciplinary action based on results of the investigation and communicates these procedures to district personnel and students.

This policy does not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

Nothing in this policy shall preclude teaching about sexual, racial, religious, color, creed, national origin, marital status, disability, status with regard to public assistance, sexual orientation or age issues as part of the school curriculum.

### **Sexual Harassment and Violence**

Sexual harassment is a form of sex discrimination, which violates the United States Civil Rights Act and the Minnesota Human Rights Act. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually-motivated physical conduct, other verbal or physical conduct or communication of a sexual nature or that is demeaning or hostile to an individual based upon their sex, when:

- Submission to that conduct or communication is made a term or condition, either explicitly, or implicitly of obtaining or retaining employment, or of obtaining an education;
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment or education, or
- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Sexual violence is a physical act of aggression or force or threat of aggression which involves the touching of another person's intimate parts, or forcing a person to touch any person's intimate parts.

Under certain circumstance, sexual harassment or sexual violence may constitute sexual abuse under Minnesota Statutes 609.341, subd. 10 to 609.345; 609.321 to 609.324 or 626.556, Reporting of Maltreatment of Minors. Nothing in this policy shall prohibit the district from taking immediate action to protect victims of alleged sexual abuse.

### **Hazing**

Hazing means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization.

See HSRA's Hazing Prohibition policy for further detail.

## **Prohibition of Bullying and Intimidation**

Students have the right to be safe and free from threatening situations on school property and at school activities or school sponsored events. Bullying interferes with students' ability to learn and teachers' ability to educate students in a safe environment. It is HSRA's intent to prevent bullying from occurring, and to investigate and respond to bullying if it does occur.

HSRA strives to create a culture of respect. School staff will model, teach and reinforce expected behaviors. HSRA encourages developmentally appropriate programmatic instruction to help students identify, prevent, and reduce bullying and create a safe learning environment. In this regard HSRA has implemented a school-wide bullying prevention program as part of its discipline policy and positive behavior support. Where appropriate for a student with a disability, as determined by the student's 504 or Individualized Education Program (IEP) team, HSRA shall allow the child's IEP or section 504 plan to address the skills and proficiencies the child needs to respond to or not engage in bullying.

Bullying is defined as:

- An actual or perceived imbalance of power between bully and victim;
- Willful negative behavior toward the victim (examples include, but are not limited to, physical aggression, verbal aggression, cyberbullying, damage to property, exclusion of the victim or manipulation of others to bully);

- The negative behavior is repeated or forms a pattern; and
- Actual harm (physical or psychological) or reasonable fear of harm is identified by the victim or another.
- The conduct materially and substantially interferes with the student’s educational opportunities, performance, or ability to participate in school functions, activities or programs.

“Cyberbullying” is defined as using technology to bully another including, but not limited to, text messages, emails, social media posts, web cams, and image or video posts on the Internet or other uses of digital communication devices.

Any person who believes he or she has been the victim of bullying or any person with knowledge of conduct that may constitute bullying shall report the alleged acts to a staff member. HSRA staff members have an obligation to address bullying. Alleged bullying must have a connection to school before HSRA has jurisdiction to investigate or enforce discipline. Upon receipt of a report of bullying, the designated HSRA official will determine whether the incident meets the definition of bully and has a connection to the school. If the reported incident meets the criteria, HSRA will investigate. HSRA may take immediate steps to protect the reporter, alleged victim, alleged bully and others pending completion of an investigation. When criminal conduct is suspected, HSRA may report alleged conduct to law enforcement. Upon completion of an investigation of alleged bullying, HSRA will take action towards a person who is found to have engaged in an act of bullying, reprisal, intentional false reporting, or who permits, condones, or tolerates bullying.

See HSRA’s Bullying Prohibition Policy for further detail.

## Nutrition and Wellness

HSRA seeks to encourage and support healthy learners who thrive in our school community and to assure a school environment that promotes and protects students’ safety, well being and ability to learn.

HSRA works to develop and coordinate physical activity opportunities before, during and after school. All students will have access to physical education class and/or fitness-oriented activities.

Foods and beverages served at school will meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans. Nutrition Services provides students with access to a variety of nutrition and appealing foods that meet the health and nutrition needs of students; accommodates the religious, ethnic and cultural diversity of the student body in meal planning; accommodates the special dietary needs of students and provides clean, safe and pleasant settings and adequate time for students to eat.

HSRA provides nutrition education and physical education to foster lifelong habits of healthy eating and physical activity. See HSRA’s Wellness Policy for further detail.

## Medication

HSRA acknowledges that some students may require prescribed drugs or medication during the school day. The school's licensed school nurse, trained health clerk, director, or teacher will administer prescribed medications in accordance with law and HSRA procedures. A student may possess and use nonprescription pain relief in a manner consistent with the labeling, if HSRA has received written authorization from the student's parent or guardian permitting the student to self-administer the medication.

See HSRA's Student Medication Policy for further detail.

## Religion and Religious Expression

It is HSRA's policy to allow students and employees to engage in religious belief, expression and exercise within the parameters of good order and current law. It is also HSRA's policy that school officials remain neutral regarding issues of religion and religious belief, expression, and exercise.

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Upon signed and written request by a parent or legal guardian, students may be dismissed from school to attend off-campus religious instruction. Any absence from school on the basis of a religious commitment or requirement, as evidenced by a signed note from a student's parent or legal guardian, will be considered an excused absence. It is the responsibility of the parent and the student to communicate with the teacher about missed schoolwork.

See HSRA's Policy on Religion and Religious Expression for further detail.

## Anti-Discrimination

HSRA complies with state and federal laws prohibiting discrimination, including Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1991 and the Minnesota Human Rights Act.

No person protected by these laws shall, on the grounds of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation or age, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any educational program or activity operated by the district.

HSRA Administration develops and implements programs and processes to:

- Assure HSRA compliance in educational programs, athletics, counseling, activities and facilities;

- Evaluate HSRA operations in terms of applicable federal and state laws prohibiting discrimination;
- Set up a Title IX grievance process and appoint a HSRA Title IX compliance officer, and
- Set up a Section 504 grievance process and appoint a Section 504 compliance officer.

Students are responsible for reporting to school staff any evidence of discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation or age in the district.

Title IX Grievance Process - -Any district student who believes himself or herself to be a victim of discrimination on the basis of sex in violation of Title IX may file a grievance in writing with the HSRA compliance officer (the School District Attorney) if not grievable by means of another grievance procedure. The grievance must be filed within seven calendar days of the alleged discriminatory act or conduct, or the grievance will be waived.

See HSRA's Student Disability Nondiscrimination, Student Sex Nondiscrimination, and Student Parental, Marital and Family Status Non-Discrimination policies for more details.

## Special Education Services for Students

In accordance with state and federal mandates, HSRA seeks out, assesses and appropriately serves students with disabilities. HSRA staff use a comprehensive child study process to systematically screen, assess and, if appropriate, place students in special education services.

Students are entitled to a free appropriate public education in the "least restrictive environment." Services are provided in the following areas:

- Specific learning disabilities (SLD)
- Mild to moderate mental impairment (DCD)
- Speech and Language Impairment (SLI)
- Emotional/Behavioral Disorders (EBD)
- Developmental adapted physical education (DAPE)
- Occupational therapy (OT)
- Physical therapy (PT)
- Physical Impairments (PI)
- Hearing-, vision- and/or physically-impaired
- Work experience handicapped (WEH)
- Moderate to severe mental impairment (MSMI)
- Autism Spectrum Disorder (ASD)



## Section 504 Process for Students

Section 504 is a federal law which prohibits discrimination against persons with a disabling condition in any program receiving federal financial assistance.

The law defines a person with a disabling condition as anyone who:

- Has a mental or physical impairment, which substantially limits one or more major life activities;
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

The district has specific responsibilities under the act, which include identifying, reviewing and, if the child is determined to be eligible, affording access to appropriate educational accommodation.

## Suspected Maltreatment of Minor

School professionals are required to report suspected maltreatment of minors (evidence of child physical or sexual abuse, neglect, emotional maltreatment, mental injury, threatened injury or prenatal exposure to controlled substances; suspected neglect or abuse within the past three years, kidnapping or depriving another of custodial or parental rights). Any person who is required to report this evidence and who willfully fails to do so will be guilty of a misdemeanor. At the same time, any person who reports this evidence is immune from civil or criminal liability that otherwise might result from such action.

The executive director, teacher, school nurse and/or other person who reports evidence may discuss the situation with the child or youth and emphasize that the school is not interested in accusing or punishing anyone, but rather is interested in helping ensure that the maltreatment does not continue.

Upon receiving a report of suspected maltreatment of a minor, the employee making the report or the director must call the proper authorities – the Child Protection Unit of Ramsey County Social Services, the local police department and/or the Minnesota Department of Education - within 24 hours.

## Safety and Security

HSRA has emergency plans that are reviewed and, as appropriate, revised several times each year. In addition, to enhance the safety of students, staff and visitors, district officials follow the safety and security guidelines listed below.

- All visitors are asked to report to the front desk when they arrive at school.
- All visitors are given a nametag or badge to wear while they are in the building.
- Staff are expected to question people in the building whom they don't recognize and who are not wearing a nametag or badge, and to question people who are "hanging around" the building after hours.

- In the school, students are required to carry identification cards with them at all times in school or on school property.
- Safety and security information is included in newsletters and handbooks for students, staff and parent(s).

See HSRA's Crisis Management Policy and crisis response procedures for details on how the school will respond to various potential crisis situations.

## Student Use of the Internet

In making decisions regarding student access to the HSRA computer system and the Internet, including electronic communications, the HSRA considers its own stated educational mission, goals, and objectives. Electronic information research skills are now fundamental to preparation of citizens and future employees. Access to the HSRA computer system and to the Internet enables students to explore thousands of libraries, databases, bulletin boards, and other resources while exchanging messages with people around the world. The proper use of the Internet, and the educational value to be gained from proper Internet use, is the joint responsibility of students, parents and employees of HSRA.

HSRA provides students with access to the HSRA computer system, which includes Internet access. The HSRA system has a limited educational purpose, which includes use of the system for classroom activities, educational research, and professional or career development activities. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of the HSRA and school policies. Uses which might be acceptable on a user's private personal account on another system may not be acceptable on this limited-purpose network.

The following uses of the HSRA system and Internet resources or accounts are unacceptable:

- Users will not use the HSRA system to access, review, upload, download, store, print, post, receive, transmit or distribute:
  - pornographic, obscene or sexually explicit material
  - obscene, abusive, profane, lewd, vulgar, rude, inflammatory, threatening, disrespectful, or sexually explicit language
  - materials that use language or images that are inappropriate in the education setting or disruptive to the educational process;
  - information or materials that could cause damage or danger of disruption to the educational process;
  - materials that use language or images that advocate violence or discrimination toward other people (hate literature) or that may constitute harassment or discrimination.
- Users will not use the HSRA system to knowingly or recklessly post, transmit or distribute false or defamatory information about a person or organization, or to harass another person, or to engage in personal attacks.
- Users will not use the HSRA system to engage in any illegal act or violate any local, state or federal statute or law.
- Users will not use the HSRA system to vandalize, damage or disable the property of another person or organization, will not make deliberate attempts to degrade or disrupt equipment, software or system performance

by spreading computer viruses or by any other means, and will not tamper with, modify or change the HSRA system software, hardware or wiring or take any action to violate the HSRA's security system.

- Users will not use the HSRA system to gain unauthorized access to information resources or to access another person's materials, information or files without the implied or direct permission of that person.
- Users will not use the HSRA system to post private information about another person, personal contact information about themselves or other persons, or other personally identifiable information, and will not re-post a message that was sent to the user privately without permission of the person who sent the message.

The use of the HSRA system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the HSRA system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate HSRA policies, including suspension, expulsion, exclusion; or civil or criminal liability under other applicable laws.

See HSRA's Internet Acceptable Use and Safety Policy for details regarding acceptable and unacceptable uses of computer resources and the Internet.

## Protection and Privacy of Student Records

### Privacy Rights

Educational records which identify or could be used to identify a student, other than directory information (see below), may not be released to members of the public without the written permission of the student's parent or guardian, or the student if he or she is 18 years of age or older.

### Directory Information

"Directory information" is a student's name, school address and telephone number (for students in grades 9-12 only, to respond to requests from military recruiters and institutions of higher education), sex, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade levels, degrees and awards received, the most recent previous educational agency or institution attended, school of attendance, photographs for publication on school-approved Internet and World wide Web pages.

**Directory information may be released to the public without prior parent, guardian or student consent unless the parent, guardian or student (if the student is age 18 or older) has objected in writing to the release of one or more category(ies) of such information.**

Parent(s), guardian(s) or students age 18 or older may object to the release of directory information by obtaining a Denial of Release of Directory information, from the Office of Student Records. The form should be completed and returned to that office. If filed, the denial of release of information will remain in effect until it is modified or rescinded by the parent, guardian or eligible student.

## **Inspection of Records**

Parent(s)/guardian(s) of a student, or a student who is age 18 or older, may request to inspect and review any of the student's educational records except those which are, by state or federal law, made confidential.

HSRA will comply with the request immediately, if possible, and, if not, within 10 days exclusive of weekends and holidays. Copies of records may be obtained upon written request.

## **Challenge to Accuracy of Records**

A parent, guardian or student age 18 or older who believes that specific information in the student's educational records is inaccurate, misleading, incomplete or violates the privacy or other rights of the student, may request that HSRA amend the record in question. Challenges may be made by requesting and filing, Request to Amend Educational Records, with the office of Student Records.

## **Transfer of Records to Other Schools**

HSRA forwards educational records of students to other schools and school districts in which a student seeks or intends to enroll upon request of that school or school district. A parent, guardian or student who is age 18 years or older may request and receive a copy of the records which are transferred and may, pursuant to policy, challenge the accuracy of the records. HSRA does not, however, notify parent(s), guardian(s) or students age 18 or older prior to such transfer.

## **Types and Purposes of Data Gathering**

Educational programs administered by HSRA involve the submission by students of assignments, reports and the taking of tests. Information required to be submitted by students in connection with such reports, assignments and tests is private data under the terms of the Minnesota Government Data Practices Act, Minnesota Statute 13.01, et, seq. Such information is gathered and used as part of the educational process, in part to determine what the student is learning and what the student needs to learn.

There is no legal requirement that students submit such data, but their failure to do so will have a direct result upon grades which are measured by evaluating such information.

Such information is treated as private information and is not to be disclosed to third parties without permission of the parent(s) or guardian(s) of minor students or students age 18 or older.

HSRA maintains the information described above in its educational records. There are two student record systems:

- Cumulative records gathered on all students in the regular education program, including group achievement and ability measures, interest inventories and other records, and logs and notes as appropriate; and
- Child study records gathered when direct and indirect services and programs are delivered to individual students, including individually administered achievement tests, sensory and motor function tests, intellectual measures and other records, and logs and notes as appropriate. Such services and programs include but are not limited to psychological services, special education services, Title I services, English-as-a-Second-Language services and Enhanced Learning Program (gifted) services.

### **Location of Records**

The educational records gathered on students are maintained in secure location in HSRA Administrative Office.

### **Complaints for Non-Compliance**

Parent(s), guardian(s) and students age 18 or older may submit written complaints of violation of rights accorded them by 20 USCA Section 1232(g) to the Family Educational and Privacy Act Office, U.S. Department of Education, Washington, DC 20201.

See HSRA's Protection and Privacy of Pupil Records policy for more detail.

## **Student Responsibilities**

Student responsibilities include: conscientious effort in school work and activities; respect for the rights of other students, staff and visitors; and adherence to and cooperation in upholding local, state and federal laws and district and school policies, rules and regulations. Most of all, students share with the administration and staff the responsibility of establishing and maintaining a safe, stimulating and productive learning environment.

### **Student Attendance**

A major student responsibility at all grade levels is regular attendance. Many studies correlate regular attendance with success in school. Students are expected to attend school at HSRA every day school is in session, for the entire day.

Regular time is spent on school assignments, and students benefit from participation and interaction with others in class.

Establishing a pattern of good attendance will benefit the student in school and in the workplace. HSRA has established more detailed guide- lines for high school student attendance, as follows.

Type of Absences -Absences which are considered excused include, but are not limited to:

- School-sponsored curricular and co curricular activities;
- Official religious holidays;
- Death of an immediate family member (parent, step-parent, guardian, sibling, grandparents);
- Unique or emergency circumstances which are authorized (or, whenever possible, pre-authorized) by a school administrator;
- Chronic or long-term illnesses which are verified by a doctor's signed statement and authorized appointments with authorized appointment with school personnel.

- Also excused are absences which are verified by the parent/guardian with reasons accepted by the school, such as illness, medical or dental appointments that cannot be made outside of school time; court appearances; pre-authorized, pre-planned absence of one day or more (arranged prior, preferably at least one week, to the absence in order to be verified); in-school suspension, out-of-school suspension and transitional study hall.

Unexcused absences are counterproductive to student success. Students who have excessive unexcused absences may be assigned a school mentor. Unexcused absences occur when a student chooses to be absent from school without the approval of the school. Such absences include, but are not limited to, truancy, oversleeping, car trouble and planned absences which were not pre- approved by the school.

Being tardy defined as being late to class without a pass. Like unexcused absences, excessive tardies are counterproductive to student success. Students who have excessive tardies may be assigned a school mentor.

## Student Behavior and Discipline

Behavior is a student's demeanor and conduct in relation to:

- Treatment of other people;
- Care for property;
- Responsibility for personal possessions, and
- Accountability for their own actions.

Students are expected to behave in accordance with federal, state and local laws and rules; and district and school policies, rules and regulations, and in any way that respects the rights and safety of others. Staff will take corrective action to discipline a student and/or to modify a student's behavior when a student's behavior does not fall within these parameters.

School staff may report suspected criminal misconduct by a student to law enforcement. Law enforcement officers shall be permitted to carry out necessary law enforcement functions in the schools, including the removal of a student from school grounds in appropriate circumstances.

Actions which may be used by staff to discipline students and/or encourage them to modify their behavior include but are not limited to: student conference, parent or guardian notification, parent or guardian conference, conflict resolution/mediation, restitution, removal from class, dismissal from school, out-of-school suspension, exclusion, expulsion and referral to law enforcement authorities.

In addition to the school building and grounds, student behavior expectations apply when students are participating in HSRA-sponsored events away from the school site. Being transported by HSRA on a field trip or to a school-sponsored event, or on public transportation when provided for by HSRA, is a privilege, not a right. HSRA's general student behavior rules are in effect for all students when transported by the school or at the school's expense. Consequences for student misconduct while being transported by HSRA will be imposed by the school under adopted

administrative discipline procedures. In addition, serious misconduct may be reported to local law enforcement. See the HSRA Student Transportation Safety Policy for details.

Discipline:

- Sets behavioral limits and guidelines to lead students to and through adulthood;
- Develops individual respect for law, authority, property, and the rights of others and self, and
- Develops a mature individual capable of self-control and direction.

Disciplinary efforts are to be as positive as possible, and are to include recognizing and strengthening appropriate behavior. Every student and employee in HSRA is entitled to learn and work in a safe school environment. Therefore, HSRA is responsible for making reasonable rules and regulations governing student behavior and conduct, and maintaining proper control and discipline. To ensure this, it is important that HSRA establish and communicate clear student behavior expectations and support these expectations with appropriate consequences that are applied consistently.

Some additional HSRA guidelines on student behavior and discipline include the following:

**Corporal Punishment** -The use of corporal punishment (inflicting physical hurt upon a child in order to punish her or him for misconduct) is not permitted.

**Victims** -When an incident occurs in which one or more students have been physically or emotionally harmed by the misbehavior of another student(s), HSRA staff shall be sensitive to the need to provide support to the victim(s) and to inform their parent(s) or guardian(s) about the incident.

**Physical Restraint** -In certain instances, it becomes necessary for staff to use physical restraint to provide a safe environment for students.

Reasonable force may be used on a student without her or his consent when used by an administrator, teacher or other staff member in the exercise of lawful authority to restrain or correct such a student. Special care will be taken with students with disabilities to follow any guidelines for physical restraint, which may be written into their individual education plan (IEP).

Physical restraint may be used by staff members:

- To quell a disturbance threatening injury to others;
- To obtain possession of weapons or other dangerous objects upon the person or within the control of a student;
- For self-defense;
- To protect other persons and/or property;
- To direct the movement or actions of a student to avoid undue or deliberate disruption of the classroom or other parts of the school, or
- To protect an individual from his or her own actions.

Such acts shall not be construed to constitute corporal punishment within the meaning and intent of this policy.

## Student Behavior Expectations and Consequences for Misbehavior

The consequences for misbehavior are designed to be fair, firm and consistent for all students in HSRA. They apply to all students in the school or other district building, on HSRA property, in HSRA vehicles, at school bus stops, and at school or HSRA events.

Because it is not possible to list every misbehavior that occurs, misbehaviors not included here will be responded to as necessary by staff.

Minor misbehaviors are dealt with classroom teachers, counselors, administrators and other appropriate HSRA staff.

Cheating, lying, plagiarism, copyright violations, and other "academic" misbehaviors will be dealt in the context of the student's classroom or co-curricular activities and are not addressed in the following chart of misbehaviors.

Administrators may involve law enforcement authorities as necessary. If a student violates a HSRA policy or regulation, which is also a violation of a law, the student may be referred to the police in addition to being dealt with as described here. In accordance with state law, administrators will refer to the juvenile delinquency or criminal justice system any student who brings a firearm to school unlawfully.

Administrators may recommend longer suspensions, expulsion or other discipline on a case-by-case basis. This may include more severe consequences for students with multiple offenses in different categories of misbehavior.

In the charts on the following pages, suspension is defined as out-of-school suspension. A one-day suspension is for a consecutive period of time equivalent to one school day. For example, if a student is suspended at noon, he or she may be suspended until noon on the following school day.

### Consequences

For each misbehavior described in the following charts, there are specific consequences for first, second, third and fourth violations. The definitions of those consequences and other consequences for misbehavior, are as follows:

**Conference** - Student conferences and parent or guardian notification; may include, but is not limited to parent conference, restitution, and up to one day out-of-school suspension.

**Dismissal** -Dismissing a student from school for less than one school day.

**Exclusion** -Action taken by the school board to prevent a student from enrolling or re-enrolling for a period of time not to extend beyond the school year.

**Expulsion** -A School Board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.

**Mediation** -Mediation is designed to:



- Prevent minor misbehaviors from escalating to the point where disciplinary consequences need to be applied. (For example, teasing, name-calling, spreading rumors, etc., can be mediated if both parties are willing to participate.)
- Resolve interpersonal conflicts that may also require disciplinary consequences. (For example, after a student has received the designated disciplinary consequences for physical fighting, he or she must participate in mediation to prevent the problem from escalating in the future.)

**Notification of Parent or Guardian** - Conversation (in person or by telephone) and/or written contact between a school employee (usually a teacher, student support staff member or administrator) and a student's parent/guardian or other supportive adult in the student's life.

**Notification of Police** - Contact by the school administration with the local police department to inform them about an illegal misbehavior engaged in by a student.

**Parent Conference** - Scheduled meeting between a school employee and a student's parent or guardian.

**Removal from Class** - Action taken by a teacher, director or other HSRA employee to prohibit a student from attending one or more class periods or activity periods for up to five days.

**Restitution** - Compensation or compensatory service required of a student who has damaged, taken or destroyed school or personal property.

**Suspension, In-School** - Action taken by the executive director or director's designee to prohibit a student from attending more than one class and/or activity period for a period of time not to exceed five days.

**Suspension, Out-of-School** - Action taken by the executive director or director's designee to prohibit a student from attending school for a period of time of no more than 10 school days. (A one-day suspension is for a consecutive period of time equivalent to one school day. For example, if a student is suspended at noon, he or she may be suspended until noon the following school day.) If a suspension is longer than five days, the suspending administrator shall provide the superintendent or designee with a reason for the suspension. A student who is out-of-school suspension may not be in the school, on school or district property or attend school or district activities during the period of the suspension.

## Staff Notification of Violent Behavior by Students (VSB)

**Identification of Students with a History of Violent Behavior** - A student who engages in a behavior identified as "VSB" (violent student behavior) in the consequences chart will be identified as a student with a history of violent behavior.

**Notification to Teacher/Staff** - Teacher notification will occur with a copy placed in the student's educational record and retained pursuant to the school district's records retention schedule. Written notification should be provided to all of the student's classroom teachers. Building directors have discretion to provide notice to other staff members who also interact with the student. Written notification to the teacher will occur prior to the placement of a student in the teacher's classroom whenever possible.

Once a student has been identified as a student with a history of violent behavior, notification will occur for the remainder of the school year and the following school year. The period of notification will be extended accordingly for each new incident of violent behavior that occurs.

## Misbehaviors and Consequences

Students are expected to not engage in the following activities. The consequences apply regardless of whether the misbehavior took place in school, on district property, in a district vehicle, at a school or district activity. The consequences may also apply for misbehaviors which take place at other locations, but directly affect school programs or activities. The executive director may recommend longer suspensions, expulsion, denial or transportation privileges or other discipline on a case-by-case basis. This may include more severe consequences for students with multiple offenses in different categories of misbehavior.

Misbehavior	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense
<b>1. Alcohol or Chemicals, Possession or Use</b> – Possessing, influenced by the use of or using any narcotic or controlled substance, or item purported or believed to be a narcotic or controlled substance, or possessing or distributing drug paraphernalia where possession or use is prohibited by Minnesota or federal law; or use of over-the-counter or prescription drugs for the purpose of mood alteration or intoxication, or inhaling the fumes of certain volatile substances for their mood-altering or intoxicating effect. (Any prescription or over-the-counter medication a student is required to take, with the exception of inhalers and epi-pens must be left with and administered by the school.)	1-day suspension with chemical assessment	5-day suspension with chemical assessment and agreement to follow assessment	10-day suspension with chemical assessment and agreement to follow assessment recommendations or expulsion.	
<b>2. Alcohol, Possession With Intent to Distribute or Sell</b> –Selling or distributing, or intending to sell or distribute alcohol where sale or distribution is prohibited by Minnesota or federal law.	5-day suspension with chemical assessment and referred to Ramsey County Judicial Center	10 day suspension up to expulsion		
<b>3. Weapons</b> – In general, students shall not possess, use or distribute a weapon when in a school location. As defined in the HSRA Weapons Policy, HSRA takes a position of “Zero Tolerance” in regard to the possession, use or distribution of weapons by students.	Immediate out-of-school suspension; confiscation of the weapon; immediate notification of police; parent or guardian notification; and recommendation to			

Misbehavior	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense
	the executive director of dismissal for a period of time not to exceed one year.			
<b>4. Ammunition, Mace or Pepper Gas Possession</b> – Possession of bullets, other projectiles designed to be used in a weapon or other material designed to cause pain or injury. Under narrowly defined circumstances students may be permitted to carry Mace to the school but will be required to turn in the Mace at the reception desk. See the HSRA Weapons Policy for details.	5-day suspension and notification of VSB			
<b>5. Arson</b> – Intentional destruction or damage to school or district building or property by means of fire.	Expulsion, restitution and VSB			
<b>6. Assault, Aggravated</b> – Committing an assault upon another person with a weapon or a device used as a weapon, or an assault which inflicts great bodily harm upon another person.	Expulsion and VSB			
<b>7. Assault, Physical</b> – Acting with intent to cause fear in another person or immediate bodily harm or death, or intentionally bullying, inflicting or attempting to inflict bodily harm upon another person. Any intentional, harmful or potentially harmful physical contact or bullying initiated by a student against a staff member will be considered to be assault.	10-day suspension or expulsion.  Upon staff – expulsion and VSB	Expulsion and VSB		
<b>8. Assault: Verbal, Written or Otherwise Expressed</b> – Confrontation with a student or staff member which bullies, intimidates, threatens or causes fear of bodily harm or death.	Upon student – 3-day suspension  Upon staff – 5-day and VSB	5-day suspension and VSB  Expulsion and VSB	Expulsion	
<b>9. Bodily, Harm, Inflicting</b> – committing an act which unintentionally inflicts bodily harm upon another person.	3-day suspension  Upon staff - 10 day suspension up to expulsion	5-day suspension	5-day suspension up to expulsion	
<b>10. Bomb Threat, False</b> – Intentionally giving a false alarm of a bomb.	Expulsion			
<b>11. Burglary</b> – Entering a building or a specific area of a building without consent and with intent to commit a crime, or entering a building without consent and committing a crime.	Expulsion and restitution			
<b>12. Chemicals, Possession With Intent to Distribute or Sell</b> – selling, or distributing, or	Expulsion			

Misbehavior	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense
intending to sell or distribute, any narcotic, controlled substance, or item purported or believe to be a narcotic or controlled substance, or paraphernalia, where sale or distribution is prohibited by Minnesota or federal law; or selling or distributing over-the-counter drugs or prescription drugs to be used for the purpose of mood alteration or intoxication, or violate substances which can be inhaled for the purpose of mood alteration or intoxication.				
<b>13. Damage of Property (Vandalism)</b> – Defacing, cutting or otherwise damaging property that belongs to the school, district, other students, employees, or others. (NOTE: Tampering with or disabling surveillance or security equipment will automatically result in consequences at the 2nd offense level.)	3-day suspension, restitution	5 suspension and restitution	Expulsion and restitution	
<b>14. Dress</b> – clothing may not include words or visuals which are lewd*, obscene*, disruptive*, abusive* or discriminatory*, or which advertise drugs, alcohol or tobacco. Dress or grooming which is disruptive of the classroom or school atmosphere is not allowed. Shoes must be worn at all times for health and safety reasons. Students may not wear facemasks that would prevent the student from being identified (including dark-tinted, non-prescription glasses and/or hoods). Clothing should not be overtly sexualized or suggestive.	Verbal warning	1-day suspension	3-day suspension	5-day suspension
<b>15. Driving, Careless or Reckless</b> – Driving on school property in such a manner as to endanger persons or property. See the HSRA Student Transportation Safety Policy.	Verbal warning; revocation of driving privileges	3-day suspension; revocation of driving privileges	5-day suspension; revocation of driving privileges	Expulsion
<b>16. Explosives, Possession and/or Use</b> – Possessing or using any compound or mixture, the primary or common purpose of which is to function by explosion, with substantially instantaneous release of gas and heat.	Expulsion and VSB			
<b>17. Fighting</b> – Adversarial physical contact (differentiated from poking, pushing, shoving or scuffing) in which one or the other party(ies) or both contributed to the situation by verbally instigating a fight and/or physical action. <b>Promoting/instigating a fight</b> – contributing to a fight verbally or through behavior.	10-day suspension or expulsion  1-day suspension	Expulsion  3-day suspension	  5-day suspension	  Expulsion
<b>18. Fire Alarm, False</b> – intentionally giving a false alarm of a fire, or tampering or interfering with any fire alarm.	5-day suspension	Expulsion		
<b>19. Fire Extinguisher, Unauthorized Use</b> – Unauthorized handling of a fire extinguisher.	5-day suspension	Expulsion		
<b>20. Fireworks, Possession</b> – Possessing or offering for sale any substance, combination of sub-	3-day suspension	5-day suspension	Expulsion	

<b>Misbehavior</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense</b>	<b>4<sup>th</sup> Offense</b>
stances or article prepared to produce a visible or audible effect by combustion, explosion, deflagration or detonation.				
<b>21. Fireworks, Use</b> – Using any substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.	10-day suspension	Expulsion		
<b>22. Gambling</b> – Playing a game of chance for stakes.	Verbal Warning	3-day suspension	5-day suspension	Expulsion
<b>23. Harassment, Including Sexual</b> – Participating in or conspiring with others to engage in acts that injure, degrade, intimidate or disgrace other individuals, including indecent exposure displaying pornography and word or actions that negatively impact an individual or group based on their racial, cultural or religious background, their sex, their sexual orientation, any disabilities they may have or their color, creed, national origin, marital status, status with regard to public assistance or age.	1-day suspension  Upon Staff- 3 day suspension	3-day suspension  Upon Staff- 5 day suspension	5-day suspension  Upon Staff- 10 day suspension or expulsion	Expulsion
<b>24. Hazing</b> – Committing an act against a student or coercing a student into committing an act that creates a substantial risk of harm or holds a student up to ridicule in order for the student to be initiated into or affiliated with a student organization, group or club.	3-day suspension	5-day suspension	Expulsion	
<b>25. Insubordination</b> – Willful refusal to follow an appropriate direction given by a staff member.	Verbal Warning	3-day suspension	5-day suspension	Expulsion
<b>26. Interference, Disruption or Obstruction</b> – Any action taken to attempt to prevent one or more staff members or students from exercising their assigned duties, or interference or distraction from an electronic device (including pagers, radios, headsets and telephones).	Verbal Warning	3-day suspension	5-day suspension	Expulsion
<b>27. Lighting Incendiary Devices</b> – Unauthorized igniting of matches, lighters and other devices that produce flames.	1-day suspension	3-day suspension	5-day suspension	Expulsion
<b>28. Nuisance Devices/language</b> – Causing a nuisance with objects that cause distractions, such as pagers, radios, headsets, telephones, universal remote controls and laser pointers. Or use of profanity or inappropriate language.	Verbal warning	1-day suspension	3-day suspension	5-day suspension
<b>29. Pornography, Possession</b> – Possession of sexually explicit material.	1-day suspension	3-day suspension	5-day suspension	
<b>30. Records or Identification Falsification</b> - Falsifying signatures or data, or refusing to give proper identification or giving false information to a staff member.	1-day suspension	3-day suspension	5-day suspension	5-day suspension up to expulsion
<b>31. Robbery or Extortion</b> - Obtaining property from another person where his or her consent	10-day suspension and restitu-	Expulsion and restitution		

Misbehavior	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense
was induced by use of force, threat of force or under false pretenses.	tion or Expulsion			
<b>32. Sexual Misconduct</b> – A physical act of force, or the threat of aggression of force, which involves sexual contact or sexual intercourse with another person, including intentional touching of clothing covering a person's intimate parts, intentional touching of a person's intimate parts, or intentional attempted or actual removal of clothing covering a person's intimate parts or undergarments.	5-day suspension up to expulsion			
<b>33. Terroristic Threat</b> – Threatening, directly or indirectly, to commit a crime or violence with the purpose to terrorize another or with reckless disregard of the risk of causing terror in another.	5-day suspension up to expulsion			
<b>34. Theft, or Knowingly Receiving or Possessing Stolen Property</b> - Unauthorized taking of the property of another person or receiving or possessing such property.	3-day suspension and restitution or referral to Ramsey County Judicial Center	5-day suspension and restitution or referral to Ramsey County Judicial Center	Expulsion and restitution	

\* Lewd and Obscene is defined as follows: 1) The average person, applying contemporary community standards, would find that the clothing taken as a whole appeals to the prurient interest of minors of like age; 2) The clothing depicts or describes sexual conduct in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of like age, and 3) The clothing taken as a whole lacks serious literary, artistic, political or scientific value for minors.

\* Disruptive is defined as reasonably forecasted to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or the work of the school or to impinge on the rights of other students.

\* Abusive is defined as insulting, contemptuous or defamatory.

\*Discriminatory is defined as demonstrating prejudice against groups or individuals, as referred to in the district's anti-discrimination policy.

See HSRA’s Student Discipline and Notice of Suspension policy for further detail.

## Special Education Students: Consequences for Misbehavior

In general, all students are expected to comply with HSRA policies, regulations and rules on student behavior. However, for special education students the policies, regulations and rules may be adjusted as required by federal and state laws and regulations, and by the student's individual education plan (IEP).

Whenever possible, the staff will develop positive interventions to manage the behavior of special education students rather than administer a punishment.

### In-School Suspension (ISS)

A Special education student may receive ISS.

### **Out-of-School Suspension (OSS)**

If a special education student has been suspended (OSS) for more than 10 consecutive school days, or for 10 days total in a school year, in accordance with applicable federal law, an IEP meeting and a meeting called Manifestation Determination will be held to review the issues that resulted in the OSS days. All special education documents are reviewed and a determination is made whether the incidents were a result the disability. An IEP team meeting must be held within 10 school days of an OSS when the student is removed from his or her current placement for six or more consecutive school days, or when the student's total days or removal from his or her placement during the school year exceeds 10 cumulative days in a school year.

If a student's total days of removal from school exceeds 10 cumulative days in a school year, HSRA shall convene a special education meeting with the student and the student's parent or guardian prior to subsequently removing the student from school. The purpose of the meeting shall be to attempt to determine the student's need for assessment or other services. A functional behavior assessment (FBA) and a formal re-evaluation may be the outcome of the meeting.

A written notice of the meeting will be sent to the student's parent or guardian. The team will:

- Conduct a review of the relationship between the student's disability and the behavior subject to disciplinary action.
- Determine the appropriateness of the student's education plan, and determine if the IEP was being implemented by HSRA staff.
- Review the student's IEP and amend the goals and objectives or develop an new annual IEP.

If the team determines that the incident is a manifestation of the student's disability, the OSS may still take place, or a change of placement may take place with the agreement of the student's parent(s) or guardian(s).

If the team determines that the incident is not a manifestation of the student's disability, action will be taken in accordance with the appropriate process that is implemented for a student who is not receiving special education services.

If at any time the team determines that the student cannot follow HSRA policies and regulations on student behavior due to his or her disability, the IEP will be reviewed and an assessment may be proposed and conducted which may lead to writing a formal Behavior Intervention Plan.

### **Expulsion/Exclusion**

An expulsion or exclusion is initiated with an out-of-school suspension. Before proceeding with an expulsion or exclusion, HSRA must initiate a review of the student's individual education plan (IEP), review the relationship between the student's disability and the behavior subject to disciplinary action and determine whether the behavior resulting

in proposed expulsion or exclusion was a manifestation of the student's education plan. A written notice of suspension will be sent to the student's parent(s) or guardian(s).

The team will:

- Determine whether the misconduct is a manifestation of the student's disability (including reviewing the student's Individual Education Plan);
- Review any assessment and determine the need for further assessment, and
- Review the IEP and amend the goals and objectives or develop an alternative IEP.

If the team determines that the incident is a manifestation of the student's disability, an OSS may still take place, and expulsion or exclusion may be proposed to the school board. However, the district may use due process procedures to propose a change in the student's IBP and placement.

If the team determines that the incident is not a manifestation of the student's disability, the school may proceed with appropriate procedures to expel or exclude the student. Educational services must continue during the expulsion period.

### **Exceptions**

In accordance with the federal Individuals With Disabilities Education Act (IDEA) Improvement Act of 2007, if a student with an IEP in a school or at school function is in possession of a dangerous weapon as defined in federal law; has, uses, solicits sale of or sells medications or illegal drugs; or causes serious physical or emotional injury as a result of physical assault, the following course of action may be followed:

If the IEP team determines that the student's behavior was a manifestation of the student's disability, the student may not be expelled for the behavior. However, one or more of the following actions may take place:

- The student may be removed from school for 10 school days or less, and placed by administration in an interim alternative educational setting for up to 45 school days if the conduct is a drugs or weapons offense as described above;
- The district may request a local due process hearing to seek an order to remove the student from school if the district believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others, and/or
- The district may initiate a change in placement procedures for the student, subject to the parent(s)' or guardian(s)' right to due process for a significant change of placement.

### **Involvement of Law Enforcement Officers and Crisis Teams**

Law enforcement officers may not be used to perform educational interventions, including regulated procedures, either on an emergency basis or in accordance with an IBP. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary consequence.



School staff members may report a crime suspected to have been committed by a child with a disability to law enforcement and law enforcement will be allowed to exercise its responsibilities to respond to reports of criminal conduct, including the removal of a student from school grounds in appropriate circumstances. School staff members shall neither request nor interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts will be made to inform a student's parent or guardian of the involvement of law enforcement.

School staff members will not utilize a county crisis team to remove a student from school grounds except when authorized by a student's IEP or when requested by a parent, guardian or eligible student in an emergency situation. See HSRA's policy on Use of Peace Officers and Crisis Teams to Remove Students with IEP's from School Grounds for more details.

HSRA will seek to establish an agreement with the county regarding procedures to coordinate the implementation of Minnesota Statutes 245.487 - 245.488 for students with a serious emotional disturbance or others students who have an IEP whose behavior may be addressed by crisis intervention.

## Search and Seizure

If the executive director has reason to believe an illegal act or violation of school rules has been committed, or is about to be committed, they are authorized to search the student and her or his personal property, or any school district property used by the student, and seize any item the possession of which is specifically prohibited by law, district policies or school' rules.

Whenever feasible, the student will be present when her or his property or school property which she or he uses is being searched.

A general search of school properties, including but not limited to lockers or desks, may occur at any time, and items belonging to the school may be seized. (See below for more information regarding school lockers.)

All items will be given to the proper authorities or returned to the true owner.

**School Lockers** - School lockers are the property of HSRA. At no time does HSRA relinquish its exclusive control of lockers provided for the convenience of students.

Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent and without a search warrant.

The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules.

As soon as practicable after the search of a student's personal possessions, school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or schools officials.

See HSRA's policy regarding Search of Student Lockers, Desks, Personal Possessions, and Students Person for further detail.

## **Process for Student Dismissal: Removal from Class, Suspension, Exclusion and Expulsion**

### **Grounds for Dismissal**

A student may be dismissed on any of the following grounds:

- Willful violation of any district policy or regulation, or school or classroom rule. Such regulations must be clear and definite to provide notice to students that they must conform their conduct to those requirements.
- Willful conduct that significantly disrupts the right of others to an education, or the ability of school personnel to perform their duties, or school-sponsored extracurricular activities; or
- Willful conduct that endangers district employees, the student or other students, surrounding persons or school property.

### **Removal from Class/In-School Suspension (ISS)**

"Removal from class" and "removal" are defined as any actions taken by a teacher, director or other district employee to prohibit a student from attending a class or activity period for a period of time not to exceed five days.

"In-school suspension" is defined as any actions taken by a teacher, director or other district employee to prohibit a student from attending more than one class and/or activity period.

"Class period" or "activity period" is defined as a block of time devoted to one subject area or activity.

A student may be removed from a class or activity period, or receive ISS after the teacher consults with and receives approval from the executive director or his or her designee.

- The decision for removal or ISS will be made by the executive director or his hers designee. The student will be notified verbally. The parent(s) or guardian(s) will be notified by telephone or first class U.S. mail.
- The student will be removed from class or receive ISS without an informal administrative conference if he or she exhibits willful conduct which materially and substantially disrupts the right of others to an education or willful conduct which endangers HSRA employees, the student or other students or school property.
- The school retains custody of the student during the removal from class or ISS. The executive director or his or her designee is responsible for the student who has been removed from class or suspended.
- Students will return to class upon completion of the removal or suspension period.

- After a student has been removed from class from more than 15 times in one school year, the school shall notify and meet with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

### **Suspension from School/Out-of-School Suspension (OSS)**

The administration may suspend a student from school when necessary. Before any OSS begins, the school administration will contact a parent or guardian of the student to be suspended.

**Suspension from School for One Day or Less** -When a student is suspended from school for one day or less, the student and his or her parent or guardian shall be notified about his or her suspension at or before the suspension is to take effect except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

**Suspension from School for More than One Day** -"Suspension" means an action taken by the school administration, under rules promulgated by the school board, prohibiting a student from attending school for a period of no more than 10 school days. (This definition does not apply to dismissal from school for one school day or less.)

Before out-of-school suspension begins, the school administration shall attempt to provide alternative educational services except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

When a student is suspended for more than one day, the student shall have an informal administrative conference 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 or before the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension and provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts.

The following documents 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 U.S. mail within 48 hours of the conference:

- A written notice containing the grounds for suspension;
- A brief statement of the facts;
- A description of the testimony;
- A readmission plan;
- A copy of Minnesota Statutes 121A.40 to 121A.56, and
- Appropriate alternative educational services (when the suspension exceeds five days). (Alternative educational services may include, but are not limited to: Special tutoring, modified curriculum, modified instruction, other modification or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enroll-

ment in another district or in an alternative learning center selected to allow the student to progress toward meeting graduation requirements.)

If a student's total days of removal from school exceeds 10 cumulative days in a school year, the district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian prior to subsequently removing the student from school. The purpose of the meeting shall be to attempt to determine the student's need for assessment or other services.

The district shall make reasonable efforts to notify the parent(s) or guardian(s) 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 self or to surrounding persons or property, the written notice shall be served upon the student and the student's parent(s) or guardian(s) by U.S. mail within 48 hours of the conference. Service by D.S. mail is complete upon mailing. A copy will be retained by the executive director.

**Consecutive Suspension** - Suspension may not be consecutively imposed against the same student for the same course of conduct or incident of misconduct except in the following circumstances:

- When the student will create an immediate and substantial danger to self or to surrounding persons or property, or
- When the district is in the process of initiating an expulsion, in which case the administration may extend the suspension up to 15 days.

A separate administrative conference is required for each period of suspension.

**Notice of Right to be Reinstated** -Whenever a student fails to return to school within 10 days of the termination of dismissal, the school administrator shall inform the student and his or her parent(s) or guardian(s) by U.S. mail of the student's right to attend and to be reinstated in the public school.

#### **Exclusion and Expulsion**

Exclusion means a school board action to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school Year.

Expulsion means an action taken by the school board to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.

The School Board is the only authority that may exclude or expel a student. No exclusion or expulsion may be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent(s) or guardian(s). A Waiver of Hearing will be used for this purpose.

A Notice of Intended Action and Hearing will be handled by the superintendent or his designee in the following manner:

- Be served upon the student and his or her parent(s) or guardian(s) personally or by U.S. mail;
- Contain a complete statement of facts, a list of witnesses and a description of their testimony;
- State the date, time and place of the hearing;
- Be accompanied by a copy of Minnesota Statutes 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(s) or guardian(s) of the right to:
  - Have a representative of the student's own choosing, including legal counsel, at the hearing. (The district shall advise the student's parent or guardian that free or low-cost legal assistance may be available from the Minnesota Department of Education);
  - Examine the student's records before the hearing;
  - Present evidence, and
  - Confront and cross-examine witnesses.

**Hearing** -The hearing shall be scheduled within 10 days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the School Board, student, or parent(s) or guardian(s).

- The Board of Education may appoint a hearing officer for exclusion or expulsion of students.
- The superintendent shall designate the site of hearings. Clerical assistance and supplies expenses shall be borne by HSRA.
- The hearing shall be at a time and place reasonably convenient to the student and parent(s) or guardian(s).
- The hearing shall be closed unless the student, or parent(s) or guardian(s) requests an open hearing.
- The student shall have a right to a representative of his or her own choosing, including legal counsel. If a student is financially unable to retain counsel, the board shall advise the student's parent(s) or guardian(s) of available legal assistance.
- The hearing shall take place before an independent hearing officer, a member of the School Board, committee of the board or the full board, as determined by the school board.
- The hearing shall be conducted in a fair and impartial manner.
- The School Board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
- Testimony shall be given under oath. The hearing officer or a member of the board shall have the power to issue subpoenas and administer oaths.
- At a reasonable time before the hearing, the student, parent(s) or guardian(s), or his or her representative shall be given access to all public school records pertaining to the student, including any tests or reports upon which the proposed action may be based.
- The student, parent(s) or guardian(s), or his or her representative shall have the right to compel the attendance of any official employee or agent of HSRA or any public employee or any other person who may have evidence, upon which the proposed action may be based, and to confront and cross-examine any witness testifying for the district.
- The student, parent(s) or guardian(s), or his or her representative shall have the right to present evidence and testimony, including expert psychological or educational testimony.

- The student cannot be compelled to testify in the dismissal proceedings.
- A copy of the hearing record will be made available to the student or his or her parent(s) or guardian(s) or representative in transcript form as determined by the School Board upon request and without charge.
- The recommendation of the hearing officer or board member or committee shall be based solely on substantial evidence presented at the hearing, and must be made to the board and served upon the parties within two days of the end of the hearing.
- The School Board shall base its decision upon the recommendation of the hearing officer or board member or committee, and shall render its decision at a special meeting within five days after receiving the recommendation.
- The School Board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations 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 Minnesota Commissioner of Education of the basis and reason for the decision.

**Appeal** -A party to an exclusion or expulsion decision made under Minnesota Statutes 121A.40 to 121A.56 may appeal the decision to the Minnesota Commissioner of Education within 21 calendar days of school board action.

Upon being served with a notice of appeal, HSRA shall provide the commissioner and the parent(s) or guardian(s) with a complete copy of the hearing record within five days.

- All written submissions by the appellant must be submitted and served on the respondent within 10 days of its actual receipt of the transcript.
- All written submissions by the respondent must be submitted and served on the appellant within 10 days of its actual receipt of the written submissions of the appellant.
- In accordance with state law, the decision of the school board will be implemented during the appeal to the commissioner.
- In an appeal under this section, the commissioner may affirm the decision of the agency, may remand the decision for additional findings, or may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions or decisions are:
  - In violation of constitutional provisions;
  - In excess of the statutory authority or jurisdiction of HSRA;
  - Made upon unlawful procedure, except as provided in Minnesota Statute 121A.48;
  - Affected by other error of law;
  - Unsupported by substantial evidence in view of the entire record submitted, or
  - Arbitrary or capricious.

The Commissioner or his or her representative shall make a final decision based upon the record of evidence. The Commissioner shall issue a decision within 30 calendar days of receiving the entire record and the parties' written

submission on appeal. The commissioner's decision shall be final and binding upon the parties after the time for appeal expires under Minnesota Statute 121A.50.

**Judicial Review** -The decision of the Minnesota Commissioner of Education made under Minnesota Statutes 121A.40 to 121A.56 is subject to judicial review under Minnesota Statutes 14.63 to 14.69. The decision of the commissioner is stayed pending an appeal under this section.

**Reports to Service Agency** -The School Board shall report any action taken pursuant to Minnesota Statutes 121A.40 to 121A.56 to the appropriate public service agency, when the student is under the supervision of such agency.

**Report to Minnesota Commissioner of Education** -The School Board shall report such exclusion or expulsion within 30 days of the effective date of the action to the Commissioner of Education.

- This report shall 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 School Board must include state student identification numbers of affected students on all dismissal reports required by the Department of Education.

**Notice of Rights to Be Reinstated** -Whenever a student fails to return to school within 10 school days of the termination of dismissal, a school administrator shall inform the student and the student's parent(s) or guardian(s) by U.S. mail of the student's right to attend and to be reinstated in the school.

**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. This 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 his or her behavior.

## STUDENT HANDBOOK ACKNOWLEDGEMENT FORM

I have received a copy of the HSRA Student Handbook. I acknowledge my obligation to read and understand its contents, and further acknowledge and agree that:

The handbook is only intended to provide a general overview of HSRA student policies and does not necessarily represent all such policies or practices in force at any particular time.

This handbook, dated 2015-16, supersedes and replaces any previously or contemporaneously stated written policies or practices covering the same or similar subjects or matters, including but not limited to, those contained in any manuals, handbooks, correspondence, memoranda, or oral discussions.

I understand that HSRA reserves discretion to add, change or rescind any policy or practice at any time, with or without prior notice.

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Student Name (print)

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Student Signature

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Date