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506 STUDENT DISCIPLINE POLICY

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the school's expectations for student conduct. Such compliance will enhance the school's ability to maintain discipline and ensure that there is no interference with the educational process. The 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 school recognizes that individual responsibility and mutual respect are essential components of the educational process. The school further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decisionmaking, 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. The position of the school is that a fair and equitable school-wide 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.40121A.56.

The goal of school discipline is to teach students to behave in ways that contribute to academic achievement and school success, and to support a school environment where students and staff are responsible and respectful. This policy supports school discipline that:

- Maintains a safe, positive and orderly learning community.
- Assures consistency throughout the school.
- Defines and communicates expectations for student behavior.
- Defines and communicates expectations for staff responsibility related to student discipline, and
- Balances consistency with regard for the unique circumstances of the individual and the incident.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the school, with the participation of such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of the school.

III. AREAS OF RESPONSIBILITY

- A. The School Board. The 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. School Director. The School Director shall hold all school personnel, students, and parents/ legal guardians responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The School Director may establish guidelines and directives for using the services of appropriate agencies for assisting students and parents/legal guardians. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.

The School Director is given the authority to formulate rules and regulations necessary to enforce this policy, subject to final school board approval. The School Director shall consult with parents/legal guardians of students conducting themselves in a manner contrary to the policy. The School Director may also involve other professional employees in the disposition of behavior referrals and may make use of those agencies appropriate for assisting students and parents/legal guardians. A School Director, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

- C. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the

teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

- D. Other School 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 School Director. A school employee, school bus driver, or other agent of a 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.
- E. Parents or Legal Guardians. Parents and legal guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.
- F. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- G. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

IV. STUDENT RIGHTS

All students have the right to an education and the right to learn.

V. STUDENT RESPONSIBILITIES

All students have the responsibility:

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

- F. To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G. To assume that until a rule or policy is waived, altered, or 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 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. For examples of unacceptable behavior subject to disciplinary action by the school, refer to the attached DaVinci Academy of Arts and Science Student Behavior Management Procedures. These examples are not intended to be an exclusive list. Any student who engages in any of these activities or any of the grounds for dismissal set forth in Section VIII(B) shall be disciplined in accordance with this policy. This policy applies to all school buildings, school grounds, and school property; schoolsponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school purposes; the area of entrance or departure from school premises or events; and all school-related functions. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of the school or the safety or welfare of the student, other students, or employees.

B. Categories of Offenses

Category I offenses are, in general, behaviors which were done without intent to harm.

Category II offenses are behaviors which were done with intent to harm or disrespect another person or property.

Category III offenses are behaviors which seriously disrupt the orderly educational process in the classroom, in the school, and/or on the school grounds. These acts of misconduct will generally include repeated Category I and Category II offenses and any behavior which is punishable by law.

C. Conduct on School Buses

Student discipline for conduct on school buses and at bus stops will be implemented in accordance with this policy and the Student Transportation Safety Policy, Policy No. 709. Please refer to Policy 709 for school bus rules, bus stop rules, and consequences for school bus/bus stop misconduct.

VII. DISCIPLINARY ACTION OPTIONS

The general policy of the school is 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 school. At a minimum, violation of school rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. The school shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school. Refer to the DaVinci Academy of Arts and Science Student Behavior Management Procedures and the Discipline Referral Form for a summary of possible disciplinary actions for particular types of unacceptable behavior. In addition, disciplinary actions may include, but are not limited to, one or more of the following:

- A. Student conference with teacher, School Director, or other school personnel, and verbal warning;
- B. Confiscation by school personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any school policy, rule, regulation, procedure, or state or federal law. If confiscated by the school, the confiscated item, article, object, or thing will be released only

to the parent/legal guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.

- C. Parent/legal guardian contact;
- D. Parent/legal guardian conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class 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. A request for a petition to be filed in district 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. Expulsion under the Pupil Fair Dismissal Act;
- S. Exclusion under the Pupil Fair Dismissal Act; and/or
- T. Other disciplinary action as deemed appropriate by the school.

VIII. REMOVAL OF STUDENTS FROM CLASS

- Removal from Class

1. Purpose

The purpose of this section is to provide the grounds and procedures for removal of pupils from class.

2. Definitions

- a. "Removal from class" and "removal" mean any actions taken by a teacher, administrator, or other School District employee to prohibit a pupil from attending class for a period of time not to exceed that which is pursuant to procedures established in the School District discipline policy adopted by the School Board pursuant to the Pupil Fair Dismissal Act.
- b. "Class period" or "activity period" means, in grades 6-8, instruction for a given course of study. A class period or activity period means, in grades K-5, a period of time not to exceed one hour, regardless of the subject of instruction.

3. Procedures

a. Grounds for Removal

- Conduct which substantially disrupts the rights of others to an education.
- Conduct which endangers School District employees, the pupil or other pupils, or the property of the school.
- Violation of any other rule of conduct established by the School Board as constituting grounds for removal.

b. Authority of the Classroom Teacher

The authority to remove a student from class under the provisions and limitations of this section will rest with the classroom teacher. The teacher may remove students from class for violations of any conditions listed above.

c. Procedure for Removal

If removal is for part of one class period simply to provide the student with some time to avoid problems or to provide a clear warning of serious consequences, the formal procedures of this section need not be followed. If, however, the removal is for an entire period or more, up to a limit of three periods, the following procedures must be observed:

- Students must be sent to a designated area, an office of the Student Success Team, or another area clearly designated by the School Director. The school director designee

will provide custodial care of the student and will assure that the policies and procedures included in this section are observed.

- The teacher will provide the School Director or his/her designee with the following information:
 - Specific grounds for removal;
 - Length of the period of removal;
 - Any request for administrative support;
- The teacher will provide the student, and the student's parent(s) or guardian with the following information:
 - Specific grounds for removal;
 - Length of period of removal;
 - Conditions of re-entry
 - Whenever possible, class assignments for the days following the first day of removal.
- d. Because removal from class is a serious consequence for rule violation, it should not be taken lightly by any of the parties involved. Teachers are encouraged to try other strategies to deal with discipline problems before they reach the point where removal from class is necessary.
- e. In any given referral, if the School Director feels the violation is serious enough, a student may be suspended from all classes under the provisions of the Pupil Fair Dismissal Act.
- f. Short term emergency suspensions may be imposed on special education students. Normal procedures may be implemented with students who are endangering themselves or others. Removal from class must not be in violation of conditions specified in the Individual with Disabilities Education Act.
- Special Education Policies
 1. Suspension, expulsion and exclusion
 - a. The Pupil Fair Dismissal Act will apply to all students.
 - b. Team meeting required. A team meeting will be held prior to exclusion or expulsion of a pupil. A team meeting will be held within five (5) days

of a pupil being placed on either out-of-school or in-school suspension status, according to District policy established for all students, for all or part of the day for two or more consecutive days or three times in one month. The team will:

- determine whether the misconduct is related to the disability;
- review any assessments and determine the need for further assessment; and
- review the IEP.
- Exclusion and Expulsion. A pupil may be placed through a team meeting and the IEP in a more restrictive environment but will not be excluded or expelled when the misconduct is related the pupil's disability. When it is determined in a team meeting or a Pupil Fair Dismissal Act proceeding that a pupil's misconduct is related to the pupil's disability, then the assessment, IEP, and least restrictive environment will be reviewed.

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 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 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 Category Three type offense as described in the Student Behavior Management Procedures;
 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 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 School Director shall provide the Executive 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 legal 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 pupil’s need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each written notice of suspension must include a readmission plan, which may include a meeting between school administration and

the parents and/or student, or which may include additional components as deemed appropriate by school administration. 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 medication 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 teachers, 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 pupil 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 School Director or 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.
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/legal 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 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.

The following table generally outlines DaVinci Academy’s obligations under current state law and federal regulation regarding suspending students with IEPs.

	IEP Team Meeting Required	Manifestation Determination Required	Functional Behavioral Assessment Plan Required
Student removed for 1 school day or less (but not suspended)	No*	No*	No*
Student suspended for less than 5 consecutive school days	No*	No*	No*
Student suspended for 5 to 10 consecutive school days	Yes	No*	No*
Student removed for 10 cumulative school days in a school year or less	No	No	No
Student removed for 11 cumulative school days in a school year or more	Yes	Yes	Yes
Student placed on in-school suspension	No**	No**	No**
Student suspended from the bus	Depends***	Depends***	Depends***

*Unless the removal brings the total number of cumulative days this school year that the student has been removed to more than 10.

**An in-school suspension would not be counted as a day of suspension for purposes of IDEA as long as the student is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services specified on his or her IEP, and continue to participate with non-disabled children to the extent they would have in their current placement.

***If bus transportation is a part of the student’s IEP, each day of suspension from the bus counts as a day of suspension for purposes of IDEA, unless the school arranges for alternative transportation. If bus transportation is not part of the student’s IEP, a bus suspension would not count as a suspension for purposes of IDEA.

D. Expulsion and Exclusion Procedures

1. “Expulsion” means a 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 school board.
2. “Exclusion” means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent/legal guardian shall be provided written notice of the school’s intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent/legalguardian 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/legal guardian of their right to: (1) have a representative of the student’s own choosing, including legal counsel at the hearing; (2) examine the student’s records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school shall advise the student’s parent/legal guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school, student, parent/legal guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent/legal guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.

8. The school shall record the hearing proceedings at its expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school shall advise the student's parent/legal guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The school board may appoint an attorney to represent the school 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/legal 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 school, a member of the school board, a committee of the school board, or the full school board as determined by the school board. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer, school board member, school board committee, or full school board shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent/legal guardian, or authorized representative shall be given access to all school records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent/legal 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 school.
14. The student, parent/legal 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, school board member, school board committee, or full school board shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the school board and served upon the parties within two (2) days after the close of the hearing.

17. The school board shall base its decision upon the findings and recommendation of the hearing officer, school board member, school board committee, or full school board and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's, school board member's, school board committees, or full school board's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of Education (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the school board may appeal the decision to the Commissioner within twentyone (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school 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 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/legal guardian by mail of the student's right to attend and to be reinstated in the school.

IX. 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/legal guardians to provide psychotropic drugs for their child as a condition of readmission.

X. 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, School Director or other school official may provide additional notification as deemed appropriate.

XI. STUDENT DISCIPLINE RECORDS

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

XII. 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 or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent/legal guardian 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 behavior is not a manifestation of the student's disability, the 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 is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

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.

XIII. OPEN ENROLLED STUDENTS

The school district may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn.Stat 124D.03) or Enrollment in Nonresident District (Minn. Stat. 124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch 260A), and the student's case has been referred to juvenile court. The school district may also terminate the enrollment of a nonresident student over the age of seventeen (17) enrolled under an Enrollment Options Program if the student is absent without lawful excuse for one or more periods on fifteen (15) school days and has not lawfully withdrawn from school.

XIII. DISTRIBUTION OF POLICY

The school will notify students and parents/legal guardians 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/legal guardians at the commencement of each school year and to all new students and parents/legal guardians upon enrollment. This policy shall also be available upon request in the school's office.

XIV. REVIEW OF POLICY

The School Director and representatives of parents/legal guardians, students and staff in the school shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the policy committee for consideration by the school board, which shall conduct an annual review of this policy.