Purpose

The purpose of this policy is to ensure that students are aware of and comply with Minnesota Online High School's (Minnesota School District #4150-07) 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. Minnesota Online High School (MNOHS) will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

Policy

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

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

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

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. It is the position of Minnesota Online High School that a fair and equitable student discipline policy will contribute to the quality of the student’s educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.
In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the MNOHS Governing Board, with the participation of the MNOHS Management Team, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all MNOHS students.

Areas of Responsibility

A. The MNOHS Governing Board. The MNOHS Board holds all school personnel responsible for the maintenance of order within MNOHS and supports all personnel acting within the framework of this discipline policy.

B. MNOHS Management Team. The executive director shall establish guidelines and directives to carry out this policy, hold all school personnel, students and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The executive director shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this policy.

The executive director is also given the responsibility and authority to formulate rules and regulations necessary to enforce this policy, at all physical and virtual school locations, subject to final Governing Board approval. The executive director shall give direction and support to all school personnel performing their duties within the framework of this policy. The executive director shall consult with parents of students conducting themselves in a manner contrary to the policy. The executive director shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A MNOHS 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 MNOHS Personnel. All MNOHS 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 Executive Director. A school employee, school bus driver, or other agent of MNOHS, 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 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.

Student Rights

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

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 consistently participate in 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 unable to attend or participate;

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 MNOHS policy when attending physical school locations or when sharing images of one's self in virtual school locations.

L. To avoid inaccuracies in student newspapers, publications, discussion groups, webinar meetings, chat rooms and all other online forums, and refrain from indecent or obscene language;

M. To conduct themselves in an appropriate manner, physically, verbally, and graphically; and

N. To recognize and respect the rights of others.
A. The following are examples of unacceptable behavior subject to disciplinary action by MNOHS. These examples are not intended to be an exclusive list. Any student who engages in any of these activities shall be disciplined in accordance with this policy. This policy applies to all school web sites and online forums, databases, buildings, school grounds, and school property; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for MNOHS 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 MNOHS or the safety or welfare of the student, other students, or employees.

1. Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, vandalism, or unauthorized usage—including technology-based violations against virtual school locations such as web sites and databases;

2. The use of profanity or obscene language, or the possession displaying of obscene materials;

3. Gambling, including, but not limited to, playing a game of chance for stakes;

4. Hazing or bullying;

5. Attendance problems including, but not limited to, truancy, absenteeism, or skipping classes;

6. Opposition to authority using physical force or violence;

7. Using, possessing, or distributing tobacco or tobacco paraphernalia;

8. Using, possessing, distributing, or being under the influence of alcohol or other intoxicating substances or look-alike substances;

9. Using, possessing, distributing, or being under the influence of narcotics, drugs, or other controlled substances, or look-alike substances, except as prescribed by a physician, including one student sharing prescription medication with another student;

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

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

12. Violation of the MNOHS Weapons Policy;
13. Possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;

14. Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive;

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

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

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

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

19. Possession of nuisance devices or objects which cause distractions and may facilitate cheating including, but not limited to, pagers, radios, and phones, including picture phones;

20. Computer hacking to disrupt school operations or course materials or to access or alter student records or information protected under Minnesota data privacy laws.

21. Violation of the MNOHS Appropriate Use Policy.

22. Violation of school bus or transportation rules or the school bus safety policy.

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

24. Giving unauthorized persons access to your school account or accessing accounts without proper authorization;

25. Possession or distribution of slanderous, libelous or pornographic materials at all school locations, physical and virtual;

26. Student attire or personal grooming which creates a danger to health or safety or creates a disruption to the educational process, including clothing which bears a message which is lewd, vulgar, or obscene, apparel promoting products or activities that are illegal for use by minors, or clothing containing objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected minority group or which connotes gang membership—when attending physical school locations or when sharing images of one's self in virtual school locations;
27. Criminal activity;
28. Falsification of any records, documents, notes or signatures;
29. Tampering with, changing, or altering MNOHS records or documents or course related materials by any method including, but not limited to, computer access or other electronic means;
30. Scholastic dishonesty which includes, but is not limited to, cheating on a school assignment or test, plagiarism, or collusion, including the use of picture phones or other technology to accomplish this end;
31. Impertinent or disrespectful language, written or oral, toward teachers or other MNOHS personnel;
32. Sexual and/or racial abuse and/or harassment;
33. Misrepresentation of qualifications for enrollment, including but not limited to age or place of residence during the period of enrollment.
34. Actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of teachers, students, other MNOHS personnel, or other persons;
35. Committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment;
36. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
37. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language or graphic images that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people;
38. Physical, verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist
39. Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, national origin or sexual orientation:
40. Violation of MNOHS rules, regulations, policies, or procedures;
41. Other acts, as determined by MNOHS, which are disruptive of the educational process or dangerous or detrimental to the student or other students, MNOHS personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstruct the mission or operations of MNOHS or the safety or welfare of students or employees.
Disciplinary Action Options

It is the general policy of MNOHS 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 MNOHS. At a minimum, violation of MNOHS regulations, policies or procedures will result in discussion of the violation and a verbal warning. MNOHS shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student’s misconduct, as determined by Management Team.

Disciplinary action may include, but is not limited to, one or more of the following:

A. Student conference with teacher, a MNOHS Director, counselor or other MNOHS personnel, and verbal or written warning; this conference may be an in person conference or via some other media – phone, text chat, virtual conference room, etc.

B. Parent contact;

C. Parent conference with teacher, a MNOHS Director, counselor or other MNOHS personnel, and verbal or written warning; this conference may be an in person conference or via some other media – phone, text chat, virtual conference room, etc.

D. Removal from class;

E. In-school suspension or removal from one or more courses;

F. Suspension from extracurricular activities;

G. Restriction of privileges;

H. Loss of school privileges;

I. In-school monitoring or revised class schedule;

J. Referral to in-school support services;

K. Referral to community resources or outside agency services;

L. Financial restitution;

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

N. A request for a petition to be filed in district court for juvenile delinquency adjudication;

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

P. Preparation of an admission or readmission plan;

Q. In-person assessment at the MNOHS office;
R. Work in the computer lab under supervision;

S. Negotiate and agree to follow an Individual Learning Plan or Contract;

T. Expulsion under the Pupil Fair Dismissal Act;

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

V. Other disciplinary action as deemed appropriate by MNOHS.

Removal of Students from Class

A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, restricting privileges or other consequences, or contacting the student’s parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student’s conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. “Removal from class” and “removal” mean any actions taken by a teacher, Director, or other MNOHS employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy.

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

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher’s ability to teach or communicate effectively with students in a class or with the ability of other students to learn;

2. Willful conduct that endangers surrounding persons, including MNOHS employees, the student or other students, or the property of the school;

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

4. Other conduct, which in the discretion of the teacher or administration requires removal of the student from class.

Such removal shall be for at least one (1) 24-hour period for a given course of study and shall not exceed five (5) such periods.

B. If a student is removed from class more than ten (10) times in a school year, MNOHS shall notify the parent or guardian of the student’s tenth removal from class and make reasonable attempts to convene a meeting with the student’s parent or guardian to discuss the problem that is causing the student to be removed from class.
C. Procedures for Removal of a Student From a Class.

1. If a teacher, executive director, or other MNOHS employee removes a student from a course for one or more class periods (instructional days), he or she must notify the student by e-mail about: 1) the reason for the removal, 2) the date and time that the student will be able to reenter the course, and 3) any required readmission procedures. The teacher should also clarify that this removal affects only one of the student's courses and that he or she is able and expected to attend all other courses.

2. No pre-approvals to remove a student from a class session are necessary, but the executive director must be notified immediately.

3. The teacher must copy the executive director and the MNOHS counselor on the e-mail message sent to the student, and must post a Behavior Report in Infinite Campus and a summary in the Infinite Campus contact log. The teacher may also, at his or her discretion, copy the student's parent or guardian on the same message.

D. Responsibility for and Custody of a Student Removed From a Virtual Class.

1. When removed from a virtual class, students will be reminded that this removal affects only one of the student's courses and that he or she is able and expected to attend all other courses.

2. A student removed from a virtual class is free to login to all other courses in the learning management system.

3. Students can and should work on their other MNOHS courses while removed from a specific course.

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

1. A teacher may allow a student's return to a course with no action other than the passing of a 24-hour time period.

F. Procedures for Notification.

1. As described in section C 1 above (Procedures for Removal of a Student From a Class), all removals require written notification.

G. Disabled Students; Special Provisions.

1. Procedures for consideration of whether there is a need for further assessment; If a student with an IEP is removed from a virtual class, the teacher will necessarily copy the parent and also the Special Education teacher on the original e-mail message. The Special
292 Education teacher will consult with the course teacher and parent and will make a determination about whether there is a need for further assessment.

294 2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individual Education Plan (IEP) of a disabled student who is removed from class or disciplined; If a student with an IEP is removed from a virtual class, the teacher will necessarily copy the parent and also the special education teacher on the original e-mail message. The special education teacher will consult with the course teacher and parent and will make a determination about whether there is a need for a review of the adequacy of the current IEP.

301 3. Procedures determined appropriate for referring students in need of special education services to those services. Students removed from a virtual class will be referred to the counselor and special education teacher if disability or mental illness is suspected.

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

306 1. The MNOHS chemical abuse pre-assessment team consists of the MNOHS School Counselor and at least one MNOHS teacher.

308 2. The MNOHS school and community advisory team to address chemical abuse problems consists of the members of the pre-assessment team and a school director, plus community health specialists, and representatives from social services and law enforcement agencies.

311 3. If a teacher is concerned about potential chemical abuse issues on the part of a student she or he will send a written report to the pre-assessment team detailing the student's name and the cause for concern (including details, what was said or observed and in what context, etc.). He or she will also summarize this report in the Infinite Campus contact log.

I. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct: Teachers and other MNOHS employees will intervene immediately when they observe students violating the Code of Student Conduct. Short of removal from a class, appropriate interventions include speaking with the student in person, on the phone, or through other synchronous forms of communication; writing to the student in a discussion group or by e-mail; and speaking to or writing the parent or guardian.

J. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student’s Behavior: Depending on the student’s age and the nature of a conduct code violation, a teacher or other MNOHS employee may or may not be required to involve parents or guardians in attempts to improve a student’s behavior. If a student is not attending or not participating in one or more classes, or is exhibiting other behavioral problems, or is violating the student code of conduct in any way as delineated in this document, a teacher or other MNOHS employee will involve the parent after one unsuccessful attempt to correct the problem only with the student—provided
the student is under 18 or has given MNOHS permission to communicate with the parent/guardian. If a student is over 18 and has not given permission, no MNOHS employee will contact that student's parent.

K. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems: If a teacher becomes increasingly concerned about the potential for behavioral problems on the part of a student, and one or more attempts to improve the behavior have been unsuccessful, she or he will send a written report to the executive director or the MNOHS school counselor detailing the student's name and the cause for concern (including details, what was said or observed and in what context, etc.). He or she will also summarize this report in the Infinite Campus contact log. The executive director or school counselor may first communicate with the student directly. If there is no improvement in the student’s behavior, the counselor will follow procedures for contacting parents of minors, as described in Part J above.

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.

MNOHS 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.

MNOHS 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 MNOHS property.

B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable MNOHS Governing Board regulation, including those found in this policy;

2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of MNOHS personnel to perform their duties, or MNOHS-sponsored extracurricular activities; or

3. Willful conduct that endangers the student or other students, or surrounding persons, including MNOHS employees, or MNOHS property, physical or virtual.

C. Suspension Procedures

1. “Suspension” means an action by the MNOHS administration, under rules promulgated by the MNOHS governing 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 Management Team must have on file (in the student’s Infinite Campus record) a written reason for the longer term of suspension. This definition does not apply.
to dismissal for one (1) school day or less, except as may be provided in federal law for a student with a disability.

2. If a student’s total days of removal from school exceed ten (10) cumulative days in a school year, MNOHS shall make reasonable attempts to convene a meeting with the student and the student’s parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian’s expense. The purpose of this meeting is to attempt to determine the 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 suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where MNOHS 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. In the case of a student with a disability, the student’s individual education plan team shall meet immediately but not more than ten (10) school days after the date on which the decision to remove the student from the student’s current education placement is made. The individual education plan team shall, at the meeting, conduct a review of the relationship between the child’s disability and the behavior subject to disciplinary action, and determine the appropriateness of the child’s education plan. The requirements of the individual education plan team meeting apply when: (1) the parent requests a meeting; (2) the student is removed from the student’s current placement for five (5) or more consecutive days; or (3) the student’s total days of removal from the student’s placement during the school year exceed ten (10) cumulative days in a school year. The school administration shall implement alternative educational services when the suspension exceeds five (5) days. A separate administrative conference shall be conducted for each period of suspension.
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 schedule, 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. request a face to face meeting or assessment with the student, an accompanying parent or legal guardian, and MNOHS personnel;

   b. 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 sent by e-mail followed by a certified letter to the student and to the student’s parent or guardian at or before the time the suspension is to take effect, within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)

9. The school administration shall make reasonable efforts to notify the student’s parent or guardian of the suspension by telephone as soon as possible following suspension.

10. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be e-mailed and mailed to the student and the student’s parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
11. Notwithstanding the foregoing provisions, the student may be suspended pending the school board’s decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. “Expulsion” means a MNOHS governing 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 Board.

2. “Exclusion” means an action taken by the MNOHS governing 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 Board.

3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.

4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.

5. The student and parent or guardian shall be provided written notice of MNOHS's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student’s own choosing, including legal counsel at the hearing; (2) examine the student’s records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. MNOHS shall advise the student’s parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by MNOHS, the student, parent or guardian.

7. All hearings shall be held at a time and place reasonably convenient to the student, parent or guardian and shall be closed, unless the student, parent or guardian requests an open hearing.
8. MNOHS shall record the hearing proceedings at MNOHS 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. MNOHS shall advise the student’s parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The MNOHS Governing Board may appoint an attorney to represent MNOHS in any proceeding.

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

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

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

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

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

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

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

17. The MNOHS Governing Board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The MNOHS Governing Board may provide the parties with the opportunity to present exceptions and comments to the hearing officer’s findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the MNOHS Governing 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 twenty-one (21) calendar days of school board action pursuant to Minn. Stat. § 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.

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

21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student’s right to attend and to be reinstated in MNOHS.

Admission or Readmission Plan

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student’s behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student’s behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

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, MNOHS Director or other MNOHS employee may provide additional notification as deemed appropriate.

Student Discipline Records

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

**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.

Where a student is dismissed for five (5) or more consecutive days, or has accumulated more than ten (10) days of dismissal over the course of the school year, MNOHS will convene a meeting to determine whether the student’s educational program is appropriate and to review all relevant information in order to determine whether the behavior subject to discipline is a manifestation of the student’s disability. Such a meeting must be held within ten (10) school days of MNOHS's decision to remove the student from his or her current educational placement and must be held before commencing an expulsion or exclusion of the student. If the student’s educational program is appropriate and the behavior is not a manifestation of the student’s disability, MNOHS 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 MNOHS 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. If the student was placed in a 45-day interim alternative educational setting pending the manifestation determination, the student will be returned to the placement from which the student was removed unless the student and MNOHS agree to a change of placement as part of the modification of the behavioral intervention plan.

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

**Open Enrolled Students**

MNOHS 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. MNOHS may also terminate the enrollment of a nonresident student over the age of sixteen (16) 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.

**Distribution of Policy**
MNOHS will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request at the MNOHS office and on the MNOHS web site.

**Review of Policy**

This policy shall be reviewed annually.

**Legal References:**
- Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
- Minn. Stat. § 120B.232 (Character Development Education)
- Minn. Stat. § 121A.26 (School Preassessment Teams)
- Minn. Stat. § 121A.27 (School and Community Advisory Team)
- Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
- Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
- Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
- Minn. Stat. § 121A.582 (Reasonable Force)
- Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)
- Minn. Stat. § 123A.05 (Area Learning Center Organization)
- Minn. Stat. § 124D.03 (Enrollment Options Program)
- Minn. Stat. § 124D.08 (Enrollment in Nonresident District)
- Minn. Stat. Ch.125A (Students With Disabilities)
- Minn. Stat. Ch. 260A (Truancy)

**Cross References:**
- MSBA/MASA Model Policy 413 (Harassment and Violence)
<table>
<thead>
<tr>
<th>Page</th>
<th>Policy Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>601</td>
<td>MSBA/MASA Model Policy 501 (School Weapons)</td>
</tr>
<tr>
<td>602</td>
<td>MSBA/MASA Model Policy 503 (Student Attendance)</td>
</tr>
<tr>
<td>603</td>
<td>MSBA/MASA Model Policy 504 (Student Dress and Appearance)</td>
</tr>
<tr>
<td>604</td>
<td>MSBA/MASA Model Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)</td>
</tr>
<tr>
<td>606</td>
<td>MSBA/MASA Model Policy 526 (Student Hazing Prohibition)</td>
</tr>
<tr>
<td>607</td>
<td>MSBA/MASA Model Policy 610 (Field Trips)</td>
</tr>
</tbody>
</table>