

STUDENT RIGHTS & RESPONSIBILITIES

Revised 07/28/23

AUSTIN PUBLIC SCHOOLS
INSPIRE • EMPOWER • ACCELERATE

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ABOUT THIS HANDBOOK

This Student Rights and Responsibilities handbook outlines student behavior expectations that we believe can help ensure the safe school environment students deserve and which allows them to learn and grow.

This document is periodically updated in response to changes in the law and other circumstances. If you have questions or would like more information about a specific issue, contact your Principal or the Executive Director of Academics and Administrative Services. For information regarding consequences for violations affecting sports, clubs or activities, please contact the AHS Activities Office.

Please review this information together with your student so you both clearly understand the rules of acceptable behavior and the consequences if rules are not followed.

Austin Public Schools are committed to working in partnership with you to make our schools a place in which you and your student feel safe, welcomed and valued.

STRATEGIC PLAN

Our mission at Independent Public School 492, Austin Public Schools is to **Inspire, Empower, and Accelerate** as we work toward our vision of **preparing all learners to make a difference in the world**. To achieve this goal, District 492 has developed a theory of action and four strategic priorities to guide us into the future.

THEORY OF ACTION

If we . . .

- are seen, valued and respected for who we are and the work we do;
- are in partnership with our child's education and feel welcomed, valued, and respected as a family;
- feel safe and understand what is expected from us at school;
- are held accountable but not overwhelmed in a comfortable learning environment;
- work in a district that is willing to adapt and change when necessary to best meet the needs of all students;
- know our child is challenged and has ownership in how they demonstrate growth;
- are stewards of the system that supports our pathways for our graduates;
- have a voice and choice in how and what we learn

...then we are preparing all learners to make a difference in the world.

STRATEGIC PRIORITIES

1. Support and resources to ensure a safe and welcoming learning environment;
2. Packer Profile for all learners;
3. District-wide multi-tiered systems of support for all learners; and
4. Excellence in resource management.

THE PACKER PROFILE

The Packer Profile is an initiative whereby all Austin graduates will develop a portfolio of work demonstrating that they represent the Packer Core Values:

- Responsible - Demonstrates accountability to self and others.
- Resilient - Develops perseverance and self-confidence.
- Learner - Challenges self to think critically.
- Communicator - Listens actively and shares learning and experiences.
- Contributor - Engages as a productive member of the community and global society.

STUDENT RIGHTS

District 492 provides equal educational opportunity for all students with all its students being entitled to learn and develop in a setting which promotes respect of self, others, and property. Please see below and the District's policies for more information.

District 492's policies are available on in their entirety at https://www.austin.k12.mn.us/district-offices/school-board/district-policies-posts.

EQUAL EDUCATIONAL OPPORTUNITY

(See School Board Policies #102, #402, #413, #521, #522, #523, #528)

District 492 does not discriminate on the basis of race, color, creed, religion, national origin, sex, gender identity, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability (hereinafter, "Protected Class") in accordance with State and federal law, 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 1990 (as amended), and the Minnesota Human Rights Act. Title IX's requirement not to discriminate in the education program or activity on the basis of sex extends to admission and employment.

District 492 has programs and processes to:

- Assure compliance in educational programs, athletics, and other programs;
- Evaluate operations in terms of applicable federal and state laws prohibiting discrimination;
- Set up Title IX grievance process and appoint a Title IX Coordinator; and
- Set up Section 504 grievance process and appoint a Section 504 Coordinator.

APS Director of Human Resources Sue Stark is the District 492 Human Rights Officer, Title IX Coordinator, and Americans with Disabilities Act/Section 504 coordinator. Ms. Stark handles inquiries regarding nondiscrimination. Inquiries about the application of Title IX may be referred to Ms. Stark and/or to the Assistant Secretary for Civil Rights of the United States Department of Education.

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PROHIBITION OF DISCRIMINATION, HARASSMENT, VIOLENCE, HAZING, MALICIOUS AND SADISTIC CONDUCT, SEXUAL EXPLOITATION, AND BULLYING

Austin Public Schools prohibits any form of discrimination, harassment or violence on the basis of Protected Class. APS further prohibits hazing, malicious and sadistic conduct, sexual exploitation, and bullying.

Any person who believes they have been the target or victim of discrimination, harassment or violence on the basis of Protected Class, hazing, malicious and sadistic conduct, sexual exploitation, or bullying, or any person with knowledge or belief of conduct which may constitute discrimination, harassment or violence on the basis of Protected Class, hazing, malicious and sadistic conduct, sexual exploitation, or bullying, should report the alleged acts immediately. Retaliation against a good faith reporter is prohibited.

District 492 will act to investigate all complaints of discrimination, harassment or violence on the basis of Protected Class, hazing, malicious and sadistic conduct, sexual exploitation, or bullying, and will discipline or take appropriate action against any student or District 492 personnel who is found to have violated the applicable policy.

DISCRIMINATION, HARASSMENT, AND VIOLENCE

(See School Board Policy #413 and Policy #522)

A violation of Policy 413 occurs when any student or District 492 personnel harasses or inflicts, threatens to inflict, or attempts to inflict violence upon any student or District 492 personnel or group of students or District 492 personnel through conduct or communication based on a person's Protected Class.

Harassment consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' Protected Class when the conduct:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
- Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance, or
- Otherwise adversely affects an individual's employment or education opportunities.

Violence is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to an individual's Protected Class. For instance, sexual violence is a physical act of aggression or force or the threat thereof that involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts, as includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.

HAZING

(See School Board Policy #526)

A violation of this policy occurs when any student or District 492 personnel plans, directs, encourages, aids, or engages in 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, or for any other school-related purpose. The term hazing includes:

- any type of physical brutality or physical activity;
- activity involving consumption that subjects a student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student;
- activity that intimidates or threatens a student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school, and
- activity that causes or requires the student to violate the law or District 492 policies or regulations.

Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy. A person who engages in an act that violates District 492 policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.

Policy 526 applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.

MALICIOUS AND SADISTIC CONDUCT
(See School Board Policy **#514**)

District 492 prohibits malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity. District 492 further prohibits sexual exploitation. This policy applies to conduct by District 492 personnel or District 492 students against District 492 personnel or District 492 students. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

BULLYING
(See School Board Policy **#514**)

District 492 prohibits a District 492 student from bullying another District 492 student:

- on school premises, at school functions or activities, or on school transportation;
- by use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
- by use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.

The policy further prohibits students, by their indirect behavior, from condoning or supporting another student's act of bullying. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.

"Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

- there is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; or
- materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

The term, "bullying," specifically includes cyberbullying. "Cyberbullying" means bullying using technology or other electronic communication, including but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device.

Victims of bullying who respond with behavior not allowed under the school's behavior policies have access to remedial response, the procedures for which are delineated in Policy 514.

A school-aged child who voluntarily participates in a District 492 activity is subject to Policy 514 provisions applicable to District 492 students participating in the activity.

Potential bullying, as defined by Policy 514, may be observed by parents. Parents should report concerns and work collaboratively with District 492 regarding any potential bullying problems that may arise.

TITLE IX GRIEVANCE PROCESS
(See School Board Policy **#522**)

A person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX may file a formal complaint. "Sexual harassment" under Title IX means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:

- Quid pro quo harassment by District 492 employee (conditioning the provision of an aid, benefit, or service of District 492 on an individual's participation in unwelcome sexual conduct);
- Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
- Any instance of sexual assault, dating violence, domestic violence, or stalking.

A formal complaint must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint and must be submitted to the Title IX Coordinator in person, by mail, or by email. As noted above, Ms. Stark is the Title IX Coordinator.

If a formal complaint is received, District 492 will follow procedures and grievance process outlined in Policy 522.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT ("IDEA") SPECIALEDUCATION SERVICES FOR STUDENTS

(See School Board Policy #608)

District 492 identifies, evaluates, and provides special education and related services for children with disabilities who are properly the responsibility of District 492 and who meet the criteria to qualify for special education and related services as set forth in Minnesota and federal law, including IDEA. District 492 ensures that all qualified children with a disability are provided special education and related services which are appropriate to their educational needs. Persons who have questions should contact Ms. Sheri Willrodt, the Director of Special Services.

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507-460-1916;
sheri.willrodt@austin.k12.mn.us

SECTION 504 ACCOMMODATIONS FOR STUDENTS

(See School Board Policy #521)

District 492 identifies and evaluates learners who, within the intent of Section 504, need services, accommodations, or programs in order that such learners may receive a free appropriate public education. A learner may be eligible for services, accommodations, or programs under the provisions of Section 504, a federal law that prohibits discrimination against persons with disabilities, even though they are not eligible for special education pursuant to IDEA. Persons who have questions or comments should contact Ms. Willrodt, the Director of Special Services.

SUSPECTED MALTREATMENT OF MINORS

(See School Board Policy #414)

District 492 personnel must report suspected child neglect or physical or sexual abuse to appropriate county, state, or local agency or agencies. The responsibility for investigating the reports rests with the appropriate agency or agencies.

The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child and any minors who currently reside with or who have resided with the alleged perpetrator. The investigating agency may interview the children at school. The interview may take place outside the presence of the alleged offender or parent, legal guardian, or school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian, or person responsible for the child's care. Every effort will be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.

If District 492 receives information regarding an incident that may constitute maltreatment of a child in a school facility, District 492 will inform the parent, legal guardian, or custodian of the child. Furthermore, when the alleged perpetrator is believed to be a school official or employee, District 492 will conduct its own investigation independent of the appropriate agency or agencies.

INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

(See School Board Policy #519)

Generally, students may not be interviewed during the school day by persons other than a student's parents or District 492 personnel, except as otherwise provided by law and/or this policy.

If law enforcement officers or those other than a student's parents request to interview a student during the school day, it is the responsibility of the principal to determine whether the request will be granted. Prior to granting a request, the principal will attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law. To the extent permissible, feasible, and appropriate, District 492 will take every reasonable effort to ensure interviews are held in a closed room away from the view of other students and uninvolved adults.

VISITORS AND SCHOOL SAFETY

(See School Board Policy #903)

District 492 welcomes visits to school buildings and school property by parents and community members provided the visits are consistent with the health, education and safety of students and employees and are conducted within the procedures and requirements established by District 492.

District 492 and each of its schools have emergency plans that are reviewed and, as appropriate, revised each year. In addition, to enhance the safety of students, staff and visitors, District 492 personnel follow the safety and security guidelines listed below.

AT EACH SCHOOL

- All visitors are asked to sign in the office when they arrive at school.
- All visitors are given a badge/sticker to wear while they are in the building.
- Staff are expected to question people in the building whom they do not recognize and who are not wearing a badge/sticker, and to question people who are "hanging around" the building after hours. Students are expected to immediately report to a District 492 employee any suspicious behavior or situation that makes them uncomfortable. District 492 employees who observe such behavior or receive such a report will take immediate and appropriate action in response, which could be informing school administration.

DISTRICT-WIDE

- All District 492 employees are to wear photo-identification badges while in District schools and offices or on District property during the school day.
- All District 492 employees supervising activities or events outside the instructional day shall also wear badges. All visitors are to wear identification badges/stickers in District buildings.

An individual or group may be denied permission to visit a school or school property or such permission may be revoked if the visitor(s) does not comply with District 492 procedures and regulations or if the visit is not in the best interest of students, employees, or the school district.

RIGHTS RELATED TO EDUCATIONAL RECORDS

(See School Board Policy #515)

RIGHTS AND ELIGIBLE STUDENT RIGHTS

Parents and eligible students have the following rights under this policy:

- The right to inspect and review the student's education records;
- The right to request the amendment of the student's education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that such consent is not required for disclosure pursuant to this policy, state or federal law, or the regulations promulgated thereunder;
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the federal law and the regulations promulgated thereunder;
- The right to be informed about rights under the federal law; and
- The right to obtain a copy of this policy at the superintendent's office[.

DIRECTORY INFORMATION

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes the student's name, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (i.e., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. It also includes the name of the student's parent(s). A student's home address, telephone number, email address, and other personal contact information are not designated directory information.

District 492 may disclose directory information from the education records of a student and information regarding parents without prior written consent of the parent of the student or eligible student, except as provided in Policy 515.

A parent or eligible student has the right to refuse to let the District 492 designate any or all of the above types of information about the student and/or the parent as directory information. The parent's or eligible student's written notice must be directed to the responsible authority, shall include the information outlined in section VII.D of Policy 515, and must be received by September 15 each year. Superintendent Dr. Joey Page is the responsible authority.

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The designation of any information as directory information about a student or parents will remain in effect for the remainder of the school year unless the parent or eligible student provides the written notifications provided in Policy 515.

MILITARY RECRUITERS AND POST-SECONDARY EDUCATIONAL INSTITUTIONS

The school district will release the names, addresses, electronic mail address (which shall be the e-mail addresses provided by District 492, if available, that may be released to military recruiting officers only), and home telephone numbers of students in grades 11 and 12 to military recruiting officers and post-secondary educational institutions within sixty (60) days after the date of the request unless a parent or eligible student has refused in writing to release this data pursuant to Policy 515.
A parent or eligible student has the right to refuse the release of such information to military recruiting officers and postsecondary educational institutions. To refuse the release of the above information to military recruiting officers and post-secondary educational institutions, a parent or eligible student must notify the responsible authority in writing by September 15[A1] each year. The written request must include the information outlined in section IX.C of Policy 515. Superintendent Dr. Joey Page is the responsible authority.

FEDERAL REPORTING PURPOSES

When requested, District 492 must share personal student contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

SUICIDE PREVENTION INFORMATION

Please find suicide prevention information below.

THE 988 SUICIDE & CRISIS LIFELINE

According to its website, the "988 Suicide & Crisis Lifeline ... provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline is comprised of a national network of over 200 local crisis centers, combining custom local care and resources with national standards and best practices." The Lifeline can be reached by calling or texting the following number: 988.

More information can be found at https://988lifeline.org/.

CRISIS TEXT LINE
According to its website, the "Crisis Text Line provides free, 24/7, high-quality text-based mental health support and crisis intervention by empowering a community of trained volunteers to support people in their moments of need."Text "HOME," "START," "HELLO" or a different opening message to 741741 to connect with a volunteer Crisis Counselor. More information can be found at **https://www.crisistextline.org/**.

MOWER COUNTY MOBILE CRISIS SERVICES
According to Minnesota Department of Human Services, "Mobile crisis services are teams of mental health professionals and practitioners who provide psychiatric services to individuals within their own homes and at other sites outside the traditional clinical setting. Mobile crisis services provide for a rapid response and will work to assess the individual, resolve crisis situations, and link people to needed services." More information about mobile crisis mental health services can be found on the Minnesota Department of Human Services' website at **https://mn.gov/dhs/people-we-serve/adults/health-care/mental-health/programs-services/mobile-crisis.jsp**.

District 492 is located in Mower County. According to Mower County's website, "Crisis Response services are available 24/7 to anyone, anywhere within the 10-county area of southeastern Minnesota — regardless of their ability to pay" and can be accessed through the 24/7 hotline (1-844-274-7472) or the 24/7 walk-in crisis center, the Southeast Regional Crisis Center (2121 Campus Drive SE, Rochester, MN 55904). More information can be found at **https://www.crisisresponsesoutheastmn.com/**.

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

(See School Board Policy #503)

STUDENT ATTENDANCE
District 492 students are required to attend all assigned classes and/or study halls every day school is in session, unless the student has been excused by the school board from attendance because the student has already completed state and school district standards required to graduate from high school, has withdrawn, or has a valid excuse for absence. In appropriate situations, District 492 reserves the right to require medical documentation in order to excuse an absence.

District 492 has a systematic method of intervention that supports student attendance and, in compliance with Minnesota law, exclusionary practices will not be used to address attendance and truancy issues. District 492 does such because it believes regular attendance is vital to ensuring a quality learning experience. Regular class attendance instills self-discipline, exposes the student to group interactions with teachers and fellow students, enables the student to hear and participate in class discussions, and involves the student in educational experiences not easily available in other circumstances.

STUDENT RESPONSIBILITY
It is the student's right to be in school. It is also the student's responsibility to attend all assigned classes and study halls every day that school is in session, to be aware of and follow the correct procedures when absent from an assigned class or study hall, and to request any missed assignments due to an absence.

PARENT OR GUARDIAN RESPONSIBILITY
It is the parent's or guardian's responsibility to:
- hold your child accountable for regular attendance and for following the attendance policy;
- limit absences by scheduling appointments, vacations, college visits, etc. on non-school days;
- notify the office, in writing, of an extended pre-excused absence before the absence;
- send a note with your child to the Office within two (2) school days of any absences, even if you have previously called in your child's absence; and
- contact the Office, counselor, social worker and/or teacher if you have any concerns about your child's attendance; and
- work collaboratively with District 492 to solve any attendance problems that may arise.

TEACHER RESPONSIBILITY
It is the teacher's responsibility to:
- take daily attendance and maintain accurate attendance records;
- be familiar with all procedures governing attendance and to apply those procedures uniformly;
- provide any student who has been absent with any missed assignments upon request; and
- work cooperatively with the student's parent or guardian and the student to solve any attendance problems.

ADMINISTRATOR RESPONSIBILITY
It is the administrator's responsibility to:
- require students to attend all assigned classes and study halls;
- be familiar with all procedures governing attendance and to apply those procedures uniformly to all students;
- to maintain accurate records on student attendance;
- to prepare a list of the previous day's absences stating the status of each;
- to inform student's parent or guardian of the student's attendance and to work cooperatively with them and the student to solve attendance problems; and
- to distribute this Handbook to all students, parents, and staff.

MINNESOTA COMPULSORY ATTENDANCE LAW
Pursuant to Minn. Stat. § 120A.22, every child between 7 and 17 years of age must receive instruction unless the child has graduated or, for 17 year old students, lawfully withdrawn.

In addition, a student under the age of 7 enrolled in kindergarten or a higher grade is subject to the compulsory attendance provisions. A parent or guardian may withdraw a student under the age of 7 from enrollment in the school for good cause by notifying District 492. Good cause includes, but is not limited to, enrollment of the pupil in another school or the immaturity of the child. A pupil under the age of seven who is withdrawn from enrollment in District 492 is no longer subject to the compulsory attendance provisions.

CONTINUING TRUANT
A continuing truant is a student who is subject to the compulsory instruction requirements and is absent from instruction in a school without valid excuse within a single school year for:
- Three days if the child is in elementary school; or
- Three or more class periods on three days if the child is in middle school, junior high school, or high school.
- When a student is initially classified as a continuing truant, the school attendance officer or other designated school official will notify the student's parent or legal guardian. The notice will contain the information outlined in Policy 503.

HABITUAL TRUANT
An habitual truant is a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school.

A District 492 attendance officer shall refer a habitual truant child and the child's parent or legal guardian to appropriate services and procedures, under Minnesota Statute Chapter 260A.

RELIGIOUS OBSERVANCE ACCOMODATION
Reasonable efforts will be made by District 492 to accommodate any pupil who wishes to be excused from a curricular activity for a religious observance.

ATTENDANCE PROCEDURES
Please reference the building handbooks for specific information pertaining to building attendance procedures.

STUDENT BEHAVIOR AND DISCIPLINE

(See School Board Policy **#506**)

Policy 506 and the sections of this Handbook regarding discipline were developed in consultation with administrators, teachers, employees, students, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as District 492's Board determined appropriate.

The principal or other person having general control and supervision of the school, and representatives of parents, students, and staff in a school building shall confer at least annually to review Policy 506 and to assess whether Policy 506 has been enforced. The District 492 Board will conduct an annual review of Policy 506[A4] .

SCOPE
Policy 506 and the provisions on student behavior in this Handbook apply to all school buildings, school grounds and school property, school-sponsored activities, events or trips, school bus stops, school buses, school vehicles, school-contracted vehicles or any other vehicles approved for District 492 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 has a nexus with school or the student's actions have a direct and immediate effect either on school discipline or on the general safety and welfare of students. While prohibiting behavior that does not meet the behavior expectations of District 492 at these locations and events, District 492 does not represent that it will provide supervision or assume liability at these locations and events.

BEHAVIOR EXPECTATIONS
Behavior is a student's demeanor and conduct, including in relation to:
- treatment of other people;
- care for property;
- responsibility for personal possessions; and
- accountability for their own actions.

District 492 students must behave in accordance with school rules, regulations, policies, and procedures, as well as federal, state, and local laws. Students must also behave in a way that respects the rights and safety of themselves, others, and property.

DISCIPLINE
Students who engage in behavior that does not meet the behavior expectations of District 492 will be disciplined in accordance with Policy 506 and this Handbook. District 492 has the sole discretion to select the specific type and severity of discipline in each situation. However, the discipline will be designed to:
- modify a student's behavior;
- set behavioral limits and guidelines to lead students to and through adulthood;
- develop a mature individual capable of self-control and direction;
- develop individual respect for law, authority, property, and the rights of self and others;
- be as positive as possible and include recognition and strengthening of appropriate behavior; and
- be fair, firm, and consistent.

District 492 has four general levels of disciplinary action:
- Level 1: Conference / Intervention.
- Level 2: In-School Suspension.
- Level 3: Out-of-School Suspension.
- Level 4: Recommendation for Expulsion, exclusion, or alternate educational placement.

More detail can be found in Appendix 1 regarding the levels of disciplinary action. In addition to the disciplinary actions detailed in Appendix 1 or elsewhere in this Handbook, District 492 may respond to student misbehavior in a variety of other ways that are consistent with the law and District 492 rules, regulations, policies, and procedures.

BEHAVIOR SUBJECT TO DISCIPLINARY ACTION
While it is not possible to list all types of behavior that are subject to disciplinary action, the following behaviors are subject to disciplinary action:
- violating school rules, regulations, policies, or procedures, whether or not specifically enumerated in this Handbook, including Policy 413 (Discrimination, Harassment, and Violence Policy and Guidelines), Policy 501 (School Weapons Policy), Policy 418 (Drug-Free Workplace and School), Policy 419 (Tobacco-Free Environment), Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person), Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises), Policy 514 (Bullying Prohibition Policy), Policy 524 (Acceptable Use Policy), Policy 525 (Violence Prevention), Policy 526 (Hazing Prohibition), Policy 527 (Student Use and Parking of Motor Vehicles), and Policy 709 (Student Transportation Safety Policy);
- academic dishonesty;
- violating any local, state, or federal law;
- violating Minnesota State High School League rules while participating in extra-curricular or co-curricular activities;
- The non-exhaustive list of examples in Appendix 2 of this Handbook; and

- other acts, as determined by District 492, that are disruptive, dangerous, or detrimental to the student, other students, District 492 personnel, or other persons, or which violate the rights of others or which damage or endanger District 492 property, or which otherwise interfere with or obstruct District 492's mission or operations of or the safety or welfare of students, District 492 personnel, or other persons on District 492 property.

NOTIFICATION
Parents, students, and guardians shall be notified about violations of Policy 506 and the resulting disciplinary proceedings as provided herein or as provided by the law. Additional notifications may be provided at the discretion of District 492.

VICTIMS
When an incident occurs in which one or more students have been subjected to behavior that does not meet the behavior expectations of District 492, District 492 will take appropriate remedial responses, such as supporting the victim, taking steps to ensure further incidents do not occur, and informing the involved students' parents or guardians about the incident to the extent permissible by data practice laws.

PROCESS FOR REMOVAL FROM CLASS

(See School Board Policy **#506**)

REMOVAL AND IN-SCHOOL SUSPENSION
"Removal from class" and "removal" are defined as any actions taken by a teacher, principal, or other District 492 employee to prohibit a student from attending a class or activity period for a period of time which may not exceed five class periods. "Class period" or "activity period" is defined as a block of time devoted to one subject area or activity.

"In-school suspension" (hereinafter, "ISS") is defined as any actions taken by administration that prohibits a student from attending more than one class and/or activity period for a period of time not to exceed five days.

A student may be removed from a class or activity period or receive ISS for behavior subject to disciplinary action after the teacher consults with and receives approval from the principal or the principal's designee. The principal or the principal's designee is responsible for the student who has been removed and will determine the conditions for the student to return to class from which the student was removed. The principal or the principal's designee will determine in consultation with the teachers, other school staff, and other appropriate parties, such as parents or guardians, appropriate procedures in the school to encourage early involvement of parents or guardians in attempts to improve a student's behavior and detect behavioral problems early.

The student will be notified verbally of each removal. After a student has been removed from class more than 10 times in one school year, the school shall notify and attempt to meet with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

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

REMOVAL OF STUDENTS WITH DISABILITIES
When a student with a disability is removed from class, the student's individualized education program ("IEP") team may decide there is a need for further assessment or there is a need for a review of the adequacy of the Student's current IEP.

RECESS DETENTION

(See School Board Policy **#506**)

"Recess detention" means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.

District 492 does not use recess detention unless:
- a student causes or is likely to cause serious physical harm to other students or staff;
- the student's parent or guardian specifically consents to the use of recess detention; or
- for students receiving special education services, the student's IEP team has determined that withholding recess is appropriate based on the individualized needs of the student.

District 492 does not withhold recess from a student based on incomplete schoolwork.

School staff must make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention. District 492 must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information is available to the public upon request.

MEAL TIMES

(See School Board Policy **#506**)

District 492 does not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district or school's existing responsibilities under section 124D.111 or other state or federal law.

PROCESS FOR STUDENT DISMISSAL

(See School Board Policy #506)

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

District 492 places emphasis on preventing dismissals through early detection of problems and has designed this Handbook to address students' inappropriate behavior from recurring. The District also uses nonexclusionary disciplinary policies and practices, when appropriate, and will not dismiss a student without attempting to use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property. Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, such as evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services.

Nonetheless, a student may be dismissed on any of the following grounds:

- Willful violation of any reasonable, clear, and definitive District 492 school Board regulation that provides notice to students that they must conform their conduct to its 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 co-curricular activities; or
- Willful conduct that endangers the student or other students, or surrounding persons, including District 492 employees, or property of District 492.

District 492 recognizes its continuing responsibility for the education of the pupil during the dismissal period. 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 mail of the student's right to attend and to be reinstated in District 492.

DISMISSAL OF PRESCHOOL OR PREKINDERGARTEN THROUGH THIRD GRADE STUDENTS
A student enrolled in a preschool or prekindergarten program or kindergarten through grade 3 may not be subject to dismissals under the Minnesota Fair Pupil Dismissal Act, except for expulsions and exclusions may be used in circumstances where there is an ongoing serious safety threat to the child or others and the following resources have been exhausted:

- collaborating with the student's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;
- creating a plan, written with the parent, that details the action and support needed for the student to fully participate in the current educational program, including a preschool or prekindergarten program; and
- providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.

This section does not apply to a dismissal from school for less than one school day, except as provided under chapter 125A and federal law for a student receiving special education services.

OUT-OF-SCHOOL SUSPENSION PROCEDURE

Definitions
"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 10 school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension.

This definition does not apply to dismissal from school for one school day or less, except as provided in the Minnesota Pupil Fair Dismissal Act and/or federal law for a student with a disability.

If the dismissal for one school day or less does not constitute a "suspension," District 492 will still notify the student and parent or guardian about the discipline as practicable. In addition, regardless of whether the dismissal constitutes a "suspension," a student who is on 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 suspension.

Note: 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/she may be suspended until noon the following school day.

Suspension Procedures
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 written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40 through 121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent by mail within 48 hours of the conference. 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 within 48 hours of the suspension. Service by mail shall be complete upon mailing. A copy will be retained by the principal.

District 492 shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.

School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments.

Alternative education services must be provided to a pupil who is suspended for more than five consecutive school days."Alternative educational services" may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center selected to allow the pupil to progress toward meeting graduation standards under section 120B.02, although in a different setting. The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress toward meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

If a student's total days of removal from school exceed 10 cumulative days in a school year, District 492 shall make reasonable attempts to convene a meeting with the student and the student's parent before subsequently removing the student from school and, with the permission of the parent, arrange for a mental health screening for the student. The district is not required to pay for the mental health screening. The purpose of the meeting is to attempt to determine the student's need for assessment or other services or whether the parent should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.

The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 days. A separate administrative conference is required for each period of suspension.

Notwithstanding any law to the contrary and in accordance with Minnesota Pupil Fair Dismissal Act, Minn. Stat. § 121A.40 to 121A.56, after a school administration notifies a pupil of the grounds for suspension, the school administration may, instead of imposing the suspension, do one or more of the following: (1) strongly encourage a parent to attend school with the student for one day; (2) assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and (3) petition the juvenile court that the student is in need of services under chapter 260C.

Notwithstanding the foregoing provisions, the student may be suspended pending the school board's decision in an expulsion or exclusion hearing, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) consecutive school days.

EXPULSION/EXCLUSION

Definitions
"Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.
"Exclusion" means an action taken by the school board to prevent enrollment or reenrollment of a student for a period that must not extend beyond the school year.
"Pupil withdrawal agreement" means a verbal or written agreement between a District 492 administrator and a student's parent to withdraw a student from District492 to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

Firearms
Pursuant to Minnesota law, unless the District 492 school Board modifies the requirement on a case-by-case basis, District 492 will expel for a period of at least one year a student who is determined to have brought a firearm to school. For the purposes of this section, firearm means: any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Firearm does not include an antique firearm.

Written Notice
Written notice of intent to take action must:
- be served upon the student and the student's parent personally or by mail;
- 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 Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40 through 121A.56;
- ·describe the nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent of the right to:
  - have a representative of the student's own choosing, including legal counsel at the hearing (District 492 will 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 and is posted on MDE's website);
  - examine the student's records before the hearing;
  - present evidence; and
  - confront and cross-examine witnesses.

Hearing
No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian. A Waiver of Hearing will be used for this purpose.

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 District 492, student, parent or guardian.

The hearing shall take place before: (1) an independent hearing officer; (2) a member of the school board; (3) a committee of the school board; or (4) the full school board, as determined by the school board. The District 492 Board may appoint an attorney to represent the school district in any proceeding. The hearing must be held at a time and place reasonably convenient to the student, parent, or guardian. The hearing shall be closed unless the student, parent or guardian requests an open hearing.

The hearing must be conducted in a fair and impartial manner. Testimony must be given under oath and the hearing officer or a member of the school board shall have the power to issue subpoenas and administer oaths. The school board shall record the hearing proceedings at school district expense, and a party may obtain a transcript at its own expense.

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

The student, parent or guardian, or representative, has the right to compel the attendance of any official District 492 employee or agent 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 witnesses testifying for District 492. The student, parent or guardian, or representative has the right to present evidence and testimony, including expert psychological or educational testimony. The student cannot be compelled to testify in the dismissal proceedings.

Recommendation
The hearing officer or school board member or committee will make a recommendation. The recommendation must be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.

Decision
District 492 decides whether to expel or exclude the student after the recommendation. The District 492 Board shall base its decision upon the recommendation and shall render its decision at a meeting held within five (5) days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the 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 Commissioner of MDE of the basis and reason for the decision.

Appeal and Judicial Review
A party to an exclusion or expulsion decision made may appeal the decision to the Commissioner of MDE within 21 calendar days of school board action pursuant to Minn. Stat. § 121A.49.

The decision of the school board will be implemented during the appeal to the Commissioner. The decision of the Commissioner is subject to judicial review. The decision of the Commissioner is stayed pending an appeal under this section.

Reports
District 492 will make the reports required by law related to exclusions or expulsions, including those required by the Minnesota Fair Dismissal Act.

Continuing Educational Responsibility
For expulsion and exclusion dismissals and student withdrawal agreements:

- for a student who remains enrolled in District 492 or is awaiting enrollment in a new district, District 492's continuing responsibility includes reviewing the student's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. District 492 will communicate on a regular basis with the student's parent or guardian to ensure that the student is completing the work assigned through the alternative educational services. These services are required until the student enrolls in another school or returns to the same school.
- a student receiving school-based or school-linked mental health services in District 492 under section 245.4889 continues to be eligible for those services until the student is enrolled in a new district;
- District 492 will provide to the student's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information will also be posted on the District's website.

Admission or Readmission Plan
A school administrator must prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan must include measures to improve the student's behavior and include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior.

STUDENT TRANSPORTATION: BEHAVIOR EXPECTATIONS

(See School Board Policy #709)

Minnesota Statute §121A.59 states:
"Transportation by school bus is a privilege not a right for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under the Individuals with Disabilities Education Act, United States Code, title 20, section 1400 et seq., section504 of the Rehabilitation Act of 1973, United States Code, title29, section 794, and the Americans with Disabilities Act, Public Law Number 101-336,are governed by these provisions."

To help ensure the safety of students, District 492 personnel, and other persons, students are required during transportation with District 492—including while at the bus stop, entering and exiting the vehicle, and during transportation—to abide by all student behavior rules outlined in District 492's policies, rules, and regulations, all local, state, and federal laws, and the additional transportation safety rules in this section below. Students who violate these expectations during transportation with District 492—including while at the bus stop, entering and exiting the vehicle, and during transportation—will be disciplined.

The bus driver and other present District 492 personnel are responsible for maintaining appropriate student behavior on the bus and are authorized to assign students to specific seats. The driver will report students who violate the rules to the student's principal.

District 492 will provide the trainings to students outlined in Policy 706 related to student transportation.

PARENT/GUARDIANRESPONSIBILITIES

- Become familiar with school district rules, policies, regulations, and the principles of school bus safety, and thoroughly review them with their children;
- Support safe riding and walking practices, and recognize that students are responsible for their actions;
- Communicate safety concerns to their school administrators
- Monitor bus stops, if possible;
- Have their children to the bus stop 5 minutes before the bus arrives;
- Have their children properly dressed for the weather; and
- Have a plan in case the bus is late.

RULES AT THE BUS STOP

- Get to your bus stop 5 minutes before your scheduled pick up time. The school bus driver will not wait for late students.
- Respect the property of others while waiting at your bus stop.
- Keep your arms, legs, and belongings to yourself.
- Use appropriate language.
- Stay away from the street, road, or highway when waiting for the bus.
- Wait until the bus stops before approaching the bus.
- After getting off the bus, move away from the bus.
- If you must cross the street, always cross in front of the bus where the driver can see you. Wait for the driver to signal to you before crossing the street.
- No fighting, harassment, intimidation, or horseplay.
- No use of alcohol, tobacco, or drugs.

RULES ON THE BUS

- Immediately follow the directions of the driver.
- Sit in your seat facing forward.
- Talk quietly and use appropriate language.
- Keep all parts of your body inside the bus.
- Keep your arms, legs, and belongings to yourself.
- No fighting, harassment, intimidation, or horseplay.
- Do not throw any object.
- No eating, drinking, or use of alcohol, tobacco, or drugs
- Do not bring any weapons or dangerous objects on the school bus.
- Do not damage the school bus.

These rules prohibit using nuisance devices (such as laser pointers) on a school bus in a way that disrupts the safe transportation of students and/or endangers students or employees. These rules also prohibit tampering with emergency or safety equipment, including unauthorized handling of emergency or safety equipment on the bus such as first aid kits, fire extinguishers, and emergency doors, windows or hatches, or crossing/patrol flags.

In addition, while riding in a district vehicle or school bus, in accordance with State law, students must not transport gasoline, animals except companion animals accompanying persons with disabilities, or any other object of a dangerous or objectionable nature.

CONSEQUENCES

Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with cocurricular and extracurricular events (for example, field trips or competitions) will be in the sole discretion of District 492. Parents or guardians will be notified of any suspension of bus privileges.

Elementary (K-6)

- 1st offense – warning
- 2nd offense – 3 school-day suspension from riding the bus
- 3rd offense – 5 school-day suspension from riding the bus
- 4th offense – 10 school-day suspension from riding the bus/meeting with parent
- Further offenses – individually considered. Students may be suspended for longer periods of time, including the remainder of the school year.

Secondary (7-12)

- 1st offense – warning
- 2nd offense – 5 school-day suspension from riding the bus
- 3rd offense – 10 school-day suspension from riding the bus
- 4th offense – 20 school-day suspension from riding the bus/meeting with parent
- 5th offense – suspended from riding the bus for the remainder of the school year

Note: When any student goes 60 transportation days without a report, the student's consequences may start over at the first offense.

Other Discipline

Based on the severity of a student's conduct, more serious consequences may be imposed at any time. Depending on the nature of the offense, consequences such as suspension or expulsion from school also may result from school bus/bus stop misconduct.

If a student's transportation privileges are denied because of the student's misbehavior, the student's parent(s) or guardian(s) will be responsible for transporting the student to and from school. Student behavior policies may be adjusted, as required by federal and State laws and regulations, for special education students who have IEPs. Video cameras are used on some school buses, and students may be videotaped. The use of video cameras is intended to decrease student misbehavior and allow safe bus operation for students, drivers, and other motorists.

Records of school bus misconduct will be forwarded to the individual school building and will be retained in the same manner as other school discipline records.

Misbehavior Causing an Immediate and Substantial Danger to Self or Surrounding Persons or Property
The school principal, the school transportation safety director, or other designated school official shall immediately report to the local law enforcement agency having jurisdiction where the misbehavior occurred and to the school superintendent if the reporting school official knows or has reason to believe that a student on a school bus or in a bus loading or unloading area has committed misbehavior causing an immediate and substantial danger to self or surrounding persons or property. The reporting school official shall issue a report to the commissioner of public safety concerning the incident upon request of the commissioner.

SCHOOL TRANSPORTATION SAFETY DIRECTOR
Any questions regarding student transportation or this section may be addressed to the school transportation safety director. The District 492 school transportation safety director is the Executive Director of Finance and Operations, Andrew Adams.

Andrew Adams
401 3rd Ave. NW
Austin, MN 55912

507-460-1913
andrew.adams@austin.k12.mn.us

SPECIAL EDUCATION STUDENTS: CONSEQUENCES FOR MISBEHAVIOR

(See School Board Policy **#506**, Policy **#532**, and Policy **#608**)

IDEA and/or Section 504 eligible students will be subject to the provisions of Policy 506 and this Handbook unless State or federal law or the student's IEP or Section 504 plan specify otherwise.

REMOVAL OF STUDENTS WITH DISABILITIES
When a student with a disability is removed from class, the student's individualized education program ("IEP") team may decide there is a need for further assessment or there is a need for a review of the adequacy of the Student's current IEP.

IN-SCHOOL SUSPENSION
A student with a disability may be placed in ISS unless prohibited by the Student's IEP or Section 504 plan. ISS is not considered a "suspension" as long as the student is afforded the opportunity to appropriately participate in the general education curriculum; continue to receive the services specified in the student's IEP; and continue to participate with nondisabled students to the extent they would have in their current placement.

SUSPENSION
A child with a disability may be suspended if such an action would be applied to children without disabilities. A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period.

The notice requirements for suspensions in this Handbook (see above) do not apply to a dismissal of one day or less.

When a child with a disability has been suspended for more than five consecutive school days or ten cumulative school days in the same school 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, will 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 10 days after the sixth consecutive day of suspension or the 10th cumulative day of suspension has elapsed.

A child with a disability must be provided alternative educational services to the extent a suspension exceeds five consecutive school days.

EXPULSION/EXCLUSION
Before proceeding with an expulsion or exclusion of a student with a disability, District 492, relevant members of the child's IEP team, and the child's parent must, consistent with federal law, determine whether the child's behavior was caused by or had a direct and substantial relationship to the child's disability and whether the child's conduct was a direct result of a failure to implement the child's IEP.

If the answer to both of the questions is no, the school district can proceed with discipline—up to and including expulsion—as if the student did not have a disability, unless the student's IEP provides otherwise.When a child with a disability who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the child's disability, District 492 shall continue to provide special education and related services during the exclusion or expulsion.

If the team determines that the answer to either of the questions is yes, the school district may not expel or exclude the student and the school district must conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

ALTERNATIVE EDUCATIONAL SETTING
Under the IDEA, District 492 may unilaterally place a student in an appropriate interim alternative educational setting for up to 45 school days if the student does any of the following:

- carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function;
- knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

If the placement constitutes "change in placement" of a child with a disability, a manifestation determination meeting must be held within ten school days of the decision to change the placement. However, the school may place the student in the appropriate interim alternative educational setting for up to 45 school days regardless of the outcome of the manifestation determination.

The IEP team must select a setting that enables the student to continue participating in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

REMOVAL FROM SCHOOL GROUNDS
If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the student may be removed from school grounds by the crisis team, police liaison officer, or peace officer in accordance with Policy 532. If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

CRISIS SERVICES
District 492 will coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an IEP whose behavior may be addressed by crisis intervention

CHILD FIND
As noted above, District 492 identifies, locates, and evaluates children suspected of having a disability and needing special education services to address that disability.

REASONABLE FORCE

(See School District Policy **#507**)

A teacher, school employee, school bus driver, or other agent of District 492 may use reasonable force in compliance with Minnesota Statutes, section 121A.582 and other laws.

Pursuant to Minnesota Statutes, section 121A.582, a teacher or school principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student to prevent imminent bodily harm or death to the student or to another.

A school employee, school bus driver, or other agent of a district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or to another.

An employee or agent of District 492, including a school resource officer, security personnel, or police officer contracted with District 492, is prohibited from:

- inflicting corporal punishment (conduct involving hitting or spanking a person with or without an object or unreasonable physical force that causes bodily harm or substantial emotional harm) or causing corporal punishment to be inflicted upon a student to reform unacceptable conduct or as a penalty for unacceptable conduct;
- using prone restraint (placing a child in a face-down position); or
- inflicting any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.

District 492 will make the reports required by the law related to the use of reasonable force.

COMPLAINTS REGARDING THE MINNESOTA PUPIL FAIR DISMISSAL ACT

(See School Board Policy **#506**)

Students, parents and other guardians, and school staff may file a complaint and seek corrective action if they believe requirements of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40 to 121A.61, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied. The complaint must be in writing and filed with the principal. The complaint should explain what the alleged violation is and what corrective action is sought. The investigation of such complaints will begin within three school days of receipt, and the principal or the principal's designee will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record. The involved parties will have an opportunity to submit additional information related to the complaint.

After the conclusion of the investigation, a written determination to the complainant that addresses each allegation and contains findings and conclusions will be issued. If the investigation finds the requirements of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies, were not implemented appropriately, a corrective action plan will be made to correct relevant student records and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future.

Reprisal or retaliation against any person who asserts, alleges, or reports a complaint is prohibited, and appropriate consequences for a person who engages in reprisal or retaliation will be applied. District 492 will make the reports regarding the use of reasonable force required by law.

SEARCH AND SEIZURE

(See School District Policy **#502**)

District 492 students are prohibited from using lockers and desks for unauthorized purposes or to store contraband. Students are also prohibited from carrying contraband on their person or in their personal possessions. If school administration (or designee) has a reasonable, individualized suspicion that evidence of a violation of the law or a school rule will be found, a search of a student or a student's possessions that is reasonable in scope may be undertaken. 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). All items seized will be given to the proper authorities or, if appropriate, returned to the true owner.

School Lockers
School lockers are the property of the District. At no time does District 492 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 school officials.

Desks
School desks are the property of District 492. At no time does District 492 relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

Personal Possessions and Student's Person
The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

INVOLVEMENT OF LAW ENFORCEMENT OFFICERS AND CRISIS TEAM

(See School District Policy **#532**)

Each school building has a crisis team that is a group of persons, which may include teachers and nonteaching school personnel, selected by the building administrator who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. However, if a student's behavior cannot be safely managed, school personnel may immediately request assistance from a police liaison officer or a peace officer.

DRUG- AND TOBACCO-FREE ENVIRONMENT

(See School District Policy **#418** and **#419**)

As defined in Policy 418 and 419, District 492 is a drug-free workplace and school, as well as a tobacco-free environment.

The school district's procedure for detecting and addressing chemical abuse problems of a student while on the school premises is addressed as follows:

- A chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.26;
- Reporting procedures pursuant to Minnesota Statutes, section 121A.29; and
- District policies, including Policy 417 and Policy 418, and the provisions therein.

Appendix 1: Levels of Disciplinary Action

LEVELS OF DISCIPLINARY ACTION	
Level One: Conference / Intervention	At this level school staff may conduct a conference with any combination of students, parents/guardians, teachers, administrators and support staff. Consequences at this level may result in: • a behavior contract with student; • a warning to the student and/or parent guardian; afterschool detention; or • other action authorized by the school in compliance with the school district policy and procedures.
Level Two: In-School Suspension	In-school suspension is action taken by a school administrator to prohibit a student from attending more than one class and/or activity period for a period of time not to exceed five days, as described more thoroughly above.
Level Three: Out-of-School Suspension	Out-of-school suspension is action taken by the school administration to prohibit a student from attending school for a period of time, as described more thoroughly above.
Level Four: Recommendation for Expulsion or Alternate Educational Placement	A District 492 Board action to prohibit an enrolled student from further attendance for up to 12 months or prevent enrollment or reenrollment of a student for a period that must not extend beyond the school year. All students offending in this category would have a meeting to determine if the behavior warrants going forward to expulsion/exclusion with the school board or looking at an Alternative Educational Placement

Appendix 2: Examples of Misbehavior

	EXAMPLES OF CONDUCT THAT VIOLATE CODE OF CONDUCT	DEFINITION	ACTION LEVELS	
			MIN	MAX
LEARNING ENVIRONMENT	Acceptable Use Policy	District 492's computer system and Internet are governed by School Board Policy 524. The use of the school district system and access to use of the Internet is a privilege, not a right. Users are expected to use Internet access through the district system to further educational and personal goals consistent with the mission of District 492 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. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of District 492's 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 school district policies; or civil or criminal liability under other applicable laws.	1	3
	Dress	Student Dress and Appearance is governed by School Board Policy #504. Students are prohibited from wearing "inappropriate clothing" as defined in Policy 504, including clothing: • that depicts, advertises, or advocates for products that are illegal for use by minors; • with a lewd, vulgar, or obscene message; • that depicts pornography, nudity, or sexual acts; • that depicts hate-speech or targets groups based on Protected Class; or • with objectionable emblems, badges, symbols, signs, words, objects, or pictures or jewelry communicating a message that is racist, sexist, or otherwise derogatory to a Protected Class or provokes prohibited harassment and/or violence.	1	3
	Insubordination	Willful refusal to follow an appropriate direction given by a staff member.	1	4
	Interference, Disruption or Obstruction	Any action taken to attempt to prevent one or more staff members or students from exercising their assigned duties.	1	4
	Nuisance Devices	Causing a nuisance with objects that cause distractions, such as electronic hand-held devices, radios, headsets, telephones, universal remote controls and laser pointers.	1	3
	Academic Dishonesty	Academic dishonesty includes cheating, lying, plagiarism, copyright violations, or any other act intended to give self or other student(s) an unfair advantage. Scholastic dishonesty also includes any attempts to engage in such conduct.	1	3

Action Level Key: 1. Conference/Intervention 2. Suspension (in-school) 3. Suspension (out-of-school) 4. Expulsion

	EXAMPLES OF CONDUCT THAT VIOLATE CODE OF CONDUCT	DEFINITION	ACTION LEVELS	
			MIN	MAX
PHYSICAL SAFETY/MENTAL WELL-BEING	Verbally abusive or verbally inappropriate behavior	Whether or not it rises to the level of bullying, harassment, or assault, District 492 prohibits disrespectful, inappropriate, abusive, threatening, or demeaning words and actions, including those based on Protected Class. District 492 also prohibits profanity and obscene language.	1	3
	Unsafe Conduct	Committing an act which does or could reasonably be expected to injure, harm, or otherwise endanger self, other person(s), or property. Unsafe conduct is prohibited whether or not the student intends to injure, harm, or otherwise endanger self, other persons, or property.	1	3
	Bullying, Including Cyberbullying	School Board Policy #514 prohibits bullying, including cyberbullying. Bully is addressed in this Handbook.	1	4
	Fighting	Adversarial physical contact (differentiated from poking, pushing, shoving or scuffling) in which one or the other party(ies) or both contributed to the situation by verbally instigating a fight and/or physical action. Promoting/instigating a fight -- contributing to a fight verbally or through behavior.	1	4
	Violations against persons	Poking, pushing, shoving, invading personal space, or other inappropriate physical conduct	1	4
	Harassment and violence based on Protected Class	School Board Policy #514 prohibits harassment and violence on the basis of Protected Class. Policy 522 also prohibits sexual harassment. Harassment and violence is addressed in this Handbook. Note: Sexual violence has a minimum action level of 3 and a maximum action level of 4.	1	4
	Assault (physical, verbal, or otherwise expressed)	"Assault" is an act done with intent to cause fear in another of immediate bodily harm or death, the intentional infliction of or attempt to inflict bodily harm upon another, or the threat to do bodily harm to another with present ability to carry out the threat.	1	4
	Use and Parking Motor Vehicles	Student use and parking of motor vehicles are governed by Policy #527 and this Handbook. Students are explicitly prohibited from driving on school property in such a manner as to endanger persons or property.	1	4
	Hazing	School Board Policy #526 prohibits hazing. Hazing is address in this Handbook.	1	4
	Incendiary Devices	Unauthorized possession of or use of matches, lighters and other devices that produce flames.	1	4
	Gang Activity	"Gang" as used in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or whose members engaged in a pattern of criminal gang activity. A "pattern of gang activity" means the commission, attempt to commit, conspiring to commit, or solicitation of two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of or belong to the same criminal street gang.	1	4

Action Level Key: 1. Conference/Intervention 2. Suspension (in-school) 3. Suspension (out-of-school) 4. Expulsion

	EXAMPLES OF CONDUCT THAT VIOLATE CODE OF CONDUCT	DEFINITION	ACTION LEVELS	
			MIN	MAX
PHYSICAL SAFETY/MENTAL WELL-BEING (CONT.)	Physical or Verbal Threat	Threatening, directly or indirectly, another student, staff member, or other person with violence or other unjustified action.	1	4
	Use, Possession, or Distribution of Prohibited Items	Using, possessing, or distributing: • Items or articles that are illegal or harmful to persons or property; • Weapons, or look-alike weapons or other dangerous objects; • Ammunition; • Explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive; • 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; or • slanderous, libelous, or pornographic materials	1	4
	Alcohol, narcotics, drugs, and other Controlled Substances	Using, possessing, distributing, or selling alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, or controlled substances in violation of Policy 418.	1	4
	Tobacco and Vape	Smoking, using, distributing, or selling tobacco, tobacco-related devices, or carrying or using an activated electronic delivery device in in violation of Policy 419. Note: An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices.	1	4
PROPERTY	Unauthorized Access or Use	Being present on or in District 492 property (land, athletic facilities, buildings, rooms, vehicles, or otherwise) or using/accessing District 492 property (equipment, computers, files, records, District 492 network, or otherwise) when the student does not have the authorization to be present on/in the property or use the property.	1	3
	Damage of Property (Vandalism)	Defacing, cutting or otherwise damaging property that belongs to the school, District, other students, employees or others.	1	3
	Arson	Intentional destruction or damage to school or District buildings or property by means of fire.	1	4
	Records or Identification Falsification	Falsifying signatures or data, or refusing to give proper identification or giving false information to a staff member.	1	3
	Theft, Robbery, or Knowingly Receiving or Possessing Stolen Property	Unauthorized taking of the property of another person, obtaining property from another person where their consent was induced by use of force, threat of force or under false pretenses, or receiving or possessing such property with knowledge it was taken without authorization.	1	4
	Unauthorized Modification of Documents/Records	Modifying without authorization the records or documents of District 492, District 492 personnel, or other District 492 students.	1	4

Action Level Key: 1. Conference/Intervention 2. Suspension (in-school) 3. Suspension (out-of-school) 4. Expulsion