

LIONSGATE ACADEMY

905 STUDENT DISCIPLINE POLICY

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I. PURPOSE

Lionsgate Academy recognizes that appropriate school behavior is critical to academic success and sustaining an effective learning community. Further, helping students learn and comply with behavioral expectations at school, aids students in achieving social success throughout their lifetime. It is the intention of this policy to articulate the expectations of student behavior and the consequences for their violation. “The Lionsgate Academy Student and Family Handbooks” provide further and more detailed information concerning student conduct, discipline, and obligations.

II. POLICY STATEMENT

Lionsgate Academy is committed to providing a safe, calm, and predictable learning environment for its students. To this end, Lionsgate Academy advocates a proactive and individualized approach to issues of student conduct and behavior that keeps students in the learning environment and emphasizes learning and development in the areas of self regulation, self awareness, and self management.

Lionsgate Academy adheres to the use of positive behavioral interventions and supports. Lionsgate Academy promotes the expectation that all students will conduct themselves in a manner reflecting respect and consideration for the rights and privileges of others. Students will demonstrate respect for themselves and others by following school rules and regulations. Individual responsibility and mutual respect are essential components of an environment conducive to learning.

By adopting a student code of conduct, Lionsgate Academy seeks to promote self-control, responsibility and accountability for one’s own actions, and respect for law, authority, property, and the rights of others. Lionsgate Academy also seeks to encourage behavior that advances and encourages good citizenship and ensures an environment conducive to learning.

Students’ disabilities are taken into consideration when determining the extent to which students are aware of the consequences of their actions, their willful intention to cause harm or disruption, and the accommodations provided to the student via an Individual Educational Plan (IEP) or a 504 plan.

III. DEFINITIONS

- A. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to 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. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).
- B. "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

IV. POLICY

- A. The school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of the Minnesota Pupil Fair Dismissal Act. The policies must include nonexclusionary disciplinary policies and practices consistent with Minnesota Statutes, section 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.
- B. The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- C. 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 Minnesota Statutes, section 120B.02 and help prepare the pupil for readmission in accordance with section Minnesota Statutes, section 121A.46, subdivision 5.
- D. For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in Minnesota Statutes, section 121A.41, subdivision 13:
 - 1. for a pupil who remains enrolled in the school district or is awaiting enrollment in a new district, the school district's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. The school district must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in Minnesota Statutes, section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;

2. a pupil receiving school-based or school-linked mental health services in the school district under Minnesota Statutes, section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and
3. the school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the school district website.

V. RESPONSIBILITY

Lionsgate Academy's Principals/Site Directors are responsible for ensuring that discipline matters are handled in conformance with this policy. All teachers and other school personnel must enforce this policy.

Lionsgate Academy's Principals/Site Directors and any teacher or staff member, in exercising their lawful authority, may use reasonable force when it is necessary under the circumstances to prevent bodily harm or death to themselves, the student, or another person.

Parents are responsible for cooperating with school authorities and to address the behavior of their children.

VI. REASONABLE FORCE REPORTS

- A. The school district must report data on its use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).
- B. Beginning with the 2024-2025 school year, the school district must report annually by July 15, in a form and manner determined by the MDE Commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under Minnesota Statutes, section 125A.0941, paragraph (c).
- C. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

VII. STUDENT RESPONSIBILITY

The following list of student responsibilities is not exhaustive. All students have the responsibility to:

- A. Conduct themselves in an appropriate, respectful, and courteous manner at all times.
- B. Attain satisfactory academic achievement consistent with an individual's ability and complete all homework and other assignments.
- C. Exhibit honest behavior as it applies to tests, assignments, and other school work.
- D. Follow all official notices and directives and comply with reasonable instructions given by an authority.
- E. Attend their program on a regular and consistent basis.
- F. Appropriately use all Lionsgate Academy property and equipment.
- G. Cooperate fully and truthfully in any inquiry or investigation conducted by Lionsgate Academy.
- H. Immediately report to Lionsgate Academy staff any threat, harassment, hazing, bullying, acts of intimidation or retaliation, and physical, sexual, or verbal abuse or assault.
- I. Dress appropriately for Lionsgate Academy activities and in keeping with community standards, so that one's dress, appearance or grooming does not interfere with or disrupt the educational process or Lionsgate Academy activities, or pose a threat to the health or safety of the student or others.
- J. Be respectful in language and communications with peers and those in authority.
- K. Comply with school rules governing the proper use of electronic devices.
- L. Understand and comply with school rules regarding appropriate conduct on the bus and at extra-curricular or other school-related activities.
- M. Respect school property and not damage it.
- N. Refrain from using and/or possessing alcohol, tobacco, e-cigarettes, vaping products/devices, non-prescribed medicines, controlled substances, and other dangerous or illegal substances at school, on school property or school transportation, and at extra-curricular or other school-related activities.

Examples of Unacceptable Behavior

The following examples of unacceptable behavior is not exhaustive:

- A. Violate Lionsgate Academy's policies on Bullying, Harassment & Violence, Hazing or Weapons;
- B. Violate state or federal laws or rules, or other Lionsgate Academy policies or procedures;
- C. Engage in any other behavior which is dangerous or detrimental to the health, safety, or welfare of other students or staff;
- D. Possess, use, distribute, sell or attempt to sell, or be under the influence of any alcohol or illegal drug or intoxicant;
- E. Cause or attempt to cause damage to or destruction of Lionsgate Academy or private property or steal or attempt to steal such property.

Any student who engages in any of these activities will be disciplined in accordance with this discipline policy. The principals/site directors and licensed professionals, as a team, have discretion and authority to impose appropriate discipline based on the facts and circumstances at hand.

VIII. RECESS AND OTHER BREAKS

- A. "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.
- B. The school district is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.
- C. The school district must not use recess detention unless:
 - 1. a student causes or is likely to cause serious physical harm to other students or staff;
 - 2. the student's parent or guardian specifically consents to the use of recess detention; or
 - 3. for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
- D. The school district must not withhold recess from a student based on incomplete schoolwork.
- E. The school district must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.
- F. The school district 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 must be available to the public upon request. The school district is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- G. The school district must 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 Minnesota Statutes, section 124D.111 or other state or federal law.

IX. STUDENT DISCIPLINE

Lionsgate Academy administrators may discipline any student, up to and including suspension and/or recommendation for expulsion, who violates one or more of the standards of conduct listed above. In accordance with the Pupil Fair Dismissal Act, grounds for discipline shall include any of the following:

- A. 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.
- B. Willful conduct that endangers surrounding persons, including school district employees, the student, or other students, or the property of the school.
- C. Willful violation of any school rules, regulations, policies or procedures or other conduct which, at the discretion of the administration or licensed professional, requires removal of the student from class.

Lionsgate Academy will utilize progressive discipline to the extent reasonable and appropriate in accordance with applicable law and based upon the specific facts and circumstances of student misconduct. Appropriate disciplinary measures will be determined in each individual circumstance within the context of a multi-tiered system of supports.

Disciplinary Action

Disciplinary action may be taken for any student conduct that interferes with the operations of the school or the welfare of the student or others. This discipline policy applies to all school buildings; school grounds; school property; school-sponsored activities or trips; school bus stops; school vehicles; school contracted vehicles; vehicles approved for school purposes; the area of entrance or departure from school premises or events; and all school-related functions. It applies to behavior that occurs outside of school when that behavior interferes with or impacts the learning of any student.

Disciplinary Action Options

The specific form of discipline chosen in a particular case will be based on the facts and circumstances of the misconduct and is solely within the discretion of the school. Any violation of school rules will result in disciplinary action. Disciplinary action may range from a simple verbal warning, parent contact, removal from class, in-school suspension, alternative learning opportunity, detention, or other appropriate disciplinary action up to and including expulsion or exclusion, depending on the nature of the infraction.

Discipline or other appropriate measures may include:

D. Immediate and Short Term:

- 1. Student and/or parent/guardian conference;
- 2. Exclusion from extra-curricular activities or student activities such as dances or clubs;
- 3. Restorative Practices -
 - a. Community service within the school to repair and replace physical damage
 - b. Participation in restorative circles and relationship repair;
- 4. Alternate Learning Opportunity (ALO) - removal from class with assigned instruction provided outside of the classroom;

5. In-school Suspension (ISS) - removal from class with supervision provided outside of the classroom;
6. Out-of-school Suspension (OSS) - removal of the student from school premises;
7. Emergency Crisis Intervention - call to law enforcement, mental health crisis or emergency medical teams to provide immediate intervention.

E. Instructive and Long Term:

1. For students receiving special education services or 504 accommodations, a review of the current IEP to include: provision of accommodations, most current Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) or Positive Behavior Support Plan (PBSP).
2. Meeting with a school counselor, school psychologist, or school social worker to help determine what kind of additional support is needed.
3. Social Emotional Learning (SEL) skills instruction.
4. Other positive supports that teach needed behavior skills and/or replacement behaviors.

Removing Students From Class

The length of time of the removal from class and whether to dismiss a student from school are decisions made by the building principals/site directors or designee. As a practice, any time a student is removed from a class, the parent will be notified by email or phone within 24 hours of the removal. The building principals/site director or designee shall work with the licensed professional to notify the student of the violation of the discipline rules and resulting disciplinary action.

In the event of dismissal from school, arrangements with parents/guardians and student will be made to discuss the student's misconduct, resulting disciplinary action and plan for re-admission. Whenever a student is dismissed, Lionsgate Academy staff will document the date and time of dismissal, reasons, and any other pertinent information. If a student is dismissed more than two times in one month, a team meeting must be held to review the IEP, if applicable.

X. REMOVAL OF STUDENTS FROM CLASS

- A. The teacher of record shall have the general control and government of the classroom. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention 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, principal, or other school district 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 school district employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures; 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) activity period or class period of instruction for a given course of study and shall not exceed five (5) such periods.

A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another.

- B. If a student is removed from class more than ten times in a school year, the school district 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 the Removal of a Student From a Class
 1. Specify procedures to remove a student from a class to be followed by a teacher, school administrator, or other school district employee;
 2. Specify required approvals necessary;
 3. Specify paperwork and reporting procedures.
- D. Period of Time for which a Student may be Removed from a Class (may not exceed five (5) class periods for a violation of a rule of conduct)
 1. The removal from class shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.
- E. Responsibility for and Custody of a Student Removed from Class.
 1. Designation of where student is to go when removed;
 2. Designation of how student is to get to designated destination;
 3. Whether student must be accompanied;
 4. Statement of what student is to do when and while removed;
 5. Designation of who has control over and responsibility for student after removal from class.

- F. Procedures for Return of a Student to a Specific Class from Which the Student was Removed.
 - 1. Specification of procedures;
 - 2. Actions or approvals required such as notes, conferences, readmission plans.
- G. Procedures for Notifying a Student and the Student's Parents or Guardian of Violation of the Rules of Conduct and of Resulting Disciplinary Actions;
 - 1. Specification of procedures;
 - 2. Actions or approvals required such as notes, conferences, readmission plans.
- H. Disabled Students; Special Provisions.
 - 1. Procedures for consideration of whether there is a need for further assessment;
 - 2. Procedures for consideration of whether there is a need for a review of the adequacy of the current Individualized Education Program (IEP) of a disabled student who is removed from class or disciplined; and
 - 3. Any procedures determined appropriate for referring students in need of special education services to those services.
- I. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises.
 - 1. Establishment of a chemical abuse preassessment team pursuant to Minnesota Statutes, section 121A.26;
 - 2. Establishment of teacher reporting procedures to the chemical abuse preassessment team pursuant to Minnesota Statutes section 121A.29.
- J. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct.
- K. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.
- L. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems.
- M. Any Procedures Determined Appropriate for Referring a Student in Need of Special Education Services to Those Services;
- N. Any Procedures Determined Appropriate for Ensuring Victims of Bullying who Respond with Behavior not Allowed under the School's Behavior Policies have Access to a Remedial Response, Consistent with Minnesota Statutes, section 121A.031;

XI. DISMISSAL

- A. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion, and suspension. Dismissal does not include removal from class. The school district shall not deny due process or equal protection of the law to any student involved in a dismissal proceeding which may result in

suspension, exclusion or expulsion. The school district shall not dismiss any student without attempting to use nonexclusionary disciplinary policies and procedures 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.

- 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 school board regulation, including those found in this policy;
 - 2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
 - 3. Willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school.
- C. Disciplinary Dismissals Prohibited
 - 1. A pupil enrolled in the following is not subject to dismissals under the Pupil Fair Dismissal Act:
 - a. a preschool or prekindergarten program, including an early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
 - b. kindergarten through Grade 3.
 - 2. This section does not apply to a dismissal from school for less than one school day, except as provided under Minnesota Statutes, chapter 125A and federal law for a student receiving special education services.
 - 3. Notwithstanding this section, expulsions and exclusions may be used only after resources outlined under Nonexclusionary discipline have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.
- D. Suspension Procedures
 - 1. "Suspension" means an action by the school administration, under rules promulgated by the School Board, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the superintendent with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
 - 2. 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. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.

3. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
4. The definition of suspension under Minnesota Statutes, section 121A.41, subdivision 10, does not apply to a student's dismissal from school for one school day or less, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening, or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect, or medical or educational neglect. The school administration may not impose consecutive suspensions against the same student for the same course of conduct, or incident of misconduct, except where the student will create an immediate and substantial danger to self or to surrounding persons or property or where the school district 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.
5. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in

the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.

6. Alternative education services must be provided to a pupil who is suspended for more than five (5) 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 assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minnesota Statutes, section 123A.05 selected to allow the student to progress toward meeting graduation standards under Minnesota Statutes, section 120B.02, although in a different setting.
7. 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.
8. After school administration notifies a student of the grounds for suspension, school administration may, instead of imposing the suspension, do one or more of the following:
 - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
 - b. assign the student to attend school on Saturday as supervised by the principal or the principal's designee; and
 - c. petition the juvenile court that the student is in need of services under Minnesota Statutes chapter 260C.
9. 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, Minnesota Statutes, sections 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)

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

E. Expulsion and Exclusion Procedures

1. "Expulsion" means a school board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the school board.
2. "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the school board.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of the school district'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, Minnesota Statutes, sections 121A.40-121A.56; describe the nonexclusionary disciplinary practices accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The school district must 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) and is posted on its website.

6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by the school district, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. The school district shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The school district 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 school board may appoint an attorney to represent the school district in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the school district. 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 school district records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any school district employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the school district.
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 school board and served upon the parties within two (2) days after the close of the hearing.

17. The school board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the Commissioner of the Minnesota Department 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 Minnesota Statutes section 121A.49. The decision of the school board shall be implemented during the appeal to the Commissioner.
19. The school district shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The school district must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in the school district.

XII. 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, which may include completing a character education program consistent with Minnesota Statutes, section 120B.232, subdivision 1, social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must 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. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission.

XIII. 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, principal or other school district official may provide additional notification as deemed appropriate.

In addition, the school district must report, through the MDE electronic reporting system, each exclusion or expulsion, each physical assault of a school district employee by a pupil, and each pupil withdrawal agreement within thirty (30) days of the effective date of the dismissal action, pupil withdrawal, or assault, to the MDE Commissioner. This report must include a statement of the nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given to the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the pupil's age, grade, gender, race, and special education status.

XIV. STUDENT DISCIPLINE RECORDS

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

XV. STUDENTS WITH DISABILITIES

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

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (i) caused by or had a direct and substantial relationship to the child's disability and (ii) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, the school district will proceed with discipline – up to and including expulsion – as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan

previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior

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

XVI. OPEN ENROLLED STUDENTS

The school may terminate the enrollment of a nonresident student enrolled under an Enrollment Option Program (Minn. Stat. §124D.03) or Enrollment in Nonresident District (Minn. Stat. §124D.08) at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy (Minn. Stat. Ch. 260A), and the student's case has been referred to juvenile court. The school 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 of fifteen (15) school days and has not lawfully withdrawn from school.

XVII. DISCIPLINE COMPLAINT PROCEDURE

- A. provide procedures for communicating this policy including the ability for a parent to appeal a decision under Minnesota Statutes, section 121A.49 that contains explicit instructions for filing the complaint;
- B. provide an opportunity for involved parties to submit additional information related to the complaint;
- C. provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;
- D. provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;
- E. if the investigation finds the requirements of Minnesota Statutes, sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
- F. prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

XVIII. DISTRIBUTION OF POLICY

The Principal/Site Director shall ensure that this policy is distributed to students and parents at the beginning of each school year and upon enrollment of a new student. This policy will also be available from the Principals/Site Director upon request.

Legal References:

Minn. Stat. §§121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. §124E (Minnesota Charter School Law)

Minn. Stat. §121A.575 (Alternatives to Pupil Suspension)

Minn. Stat. §§121A.60-121A.61 (Removal From Class)

Minn. Stat. §124D.03 (Enrollment Options Program)

Minn. Stat. §124D.08 (Enrollment in Nonresident District)

Minn. Stat. Ch. 260A (Truancy)

Cross References:

Lionsgate Academy Policy 609 (Prevention of Harassment & Violence in the Workplace)

Lionsgate Academy Policy 610 (Drug Free School)

Lionsgate Academy Policy 611 (Weapons in School)

Lionsgate Academy Policy 903 (Anti-Bullying)

Lionsgate Academy Policy 910 (Hazing)