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506: STUDENT DISCIPLINE

The Administration

includes the Director, Assistant Director, Family Liaison/Behavior Specialist, or any individual asked to step in for behavior management and control, and shall be responsible to the Director in implementing all necessary procedures, rules, and regulations to make effective the Board of Directors policies relating to the standards of student behavior. The Administration shall have the responsibility and the authority to formulate school rules and regulations not in conflict with Board of Directors policies relating to standards of student behavior and data collection regarding student behavior in the schools.

The Administration shall be responsible for disseminating the rules and regulations currently in effect for the school to all faculty, students, parents/guardians, and all interested community groups at the beginning of each school year and to each new student upon registration.

The Administration has the authority to impose suspensions and/or recommend to the Director to request a process for exclusion or expulsion of a student consistent with the guidelines of the Pupil Fair Dismissal Act for violation of law or failure to comply with school regulations.

The Staff

shall be responsible to the Administration for the implementation of all necessary procedures, rules, and regulations to make effective the Board of Directors policies relating to the standards of student behavior.

When a staff member's efforts to solve a behavior problem are unsuccessful, the student shall be referred to the Administrator, who has the responsibility and authority to use such measures as may be necessary to maintain control within the classroom, the school building, and on school property.

All employees are expected to participate directly in the supervision and guidance of the behavior of all students within their scope of authority and responsibility.

Administrators will notify all personnel (including custodians, educational assistants, cafeteria personnel, and clerical staff) of their authority and responsibilities relating to student behavior.

Everyone concerned with student behavior shall be expected to deal with students in a firm, fair, and consistent fashion. It shall be the responsibility of the Administration to assist all concerned with this task.

The Teaching Staff

has the responsibility/authority to:

- Make clear what standards of student behavior the teacher requires. A copy of the teacher's rules of acceptable behavior shall be posted in the teacher's classroom. These rules shall be consistent with district policy.
- Report any gross violations of the building discipline policy to the Administration.
- Deny certain classroom privileges.

- Assign extra school classroom obligations.
- Request a parent/guardian conference.
- Refer special problems to the building administration or for students with disabilities, to the I.E.P. Manager.
- Use reasonable measures as may be necessary to maintain control in the classroom, in the school building, and on school grounds.
- Remove a student from class pursuant to this discipline policy.

Parents and Guardians

have the legal responsibility for the behavior of their children as determined by law and community practice. Parents/guardians are expected to exercise the required controls so that the student's behavior will be conducive to the development of self-discipline and will not be disruptive to the school's education program. Parents/guardians need to provide the school with updated information on how they may be contacted.

Students

are responsible for the consequences of their behavior. All students are responsible for knowing and obeying all school rules and regulations.

RESPONSIBILITY FOR ACADEMIC WORK

Students are responsible for completing class assignments on time and according to the instructions given by teachers.

New Century School will furnish instructional materials to students and students are responsible for their proper care. Students are responsible for bringing to class all materials required for daily classroom use.

RESPONSIBILITY REGARDING ATTENDANCE AND TARDINESS

Students are responsible for being in attendance each school day. Students shall be familiar with and responsible for following all school district attendance and tardiness policies, rules, and regulations.

RESPONSIBILITY FOR DISCIPLINE

Students have the right to an education, but they are responsible for complying with the rules and regulations of the school and the instructions of all school personnel; for accepting the authority of the faculty and school officials on school property, on provided transportation, and at all school-sponsored events. Failure to meet these responsibilities will be cause for disciplinary action.

Student Rights

Only the protection and preservation of the rights of others preserve the rights of an individual. A student is responsible for the manner in which his/her individual rights are exercised and must accept the consequences of any actions that are committed outside the boundaries of those rights.

THE RIGHT TO LEARN

Each student has the right to attend school in a safe environment free from fear and gain an education as provided by law. The right to learn also includes the right of classes to meet and carry on studies without interruptions, disruptions, or distractions, whether inside the classroom or from outside. Behavior, which disrupts the normal functioning of classes, is an infringement on the rights of others.

THE RIGHT TO FREE SPEECH AND EXPRESSION

Students have the right to express opinions, to take stands, and to support causes, either publicly or privately, provided such expressions are not libelous or obscene according to current legal definition and do not interfere with the rights of others or disrupt or distract from the atmosphere for learning in the school.

THE RIGHT TO BE INFORMED OF RULES

Students have the right to be informed of all policies, rules, and regulations they will be expected to follow. There are several principles that underlie the Discipline Policy.

1. Teachers correct students and provide consequences in the classroom for rule infractions, e.g., a time out at recess or staying in at recess, before the staff would use the policy consequences.
2. The circumstances surrounding a rule violation, e.g., the age of the students or the value of stolen property, are taken into consideration when dealing with rule violations.
3. Disciplinary action is taken with the students directly involved. Parent concerns about disciplinary actions should be expressed first to the staff member (teacher or administrator) who decided the consequences. If parents do not feel that the staff member has understood them, they can bring concerns to the Director whose decision is final.
4. If a disciplinary decision results in suspension, a parent may appeal the decision to the Director by a written explanation within ten days following the start of the suspension.
5. Expulsion hearings are brought before the Board of directors , who makes their decision after a fair and appropriate hearing including all parties involved.

Definitions

DETENTION

A teacher or administrator may detain a pupil after school to give the pupil help, or for correction of a violation, including tardiness to class.

EXPULSION OR EXCLUSION

"Expulsion" means a board of directors action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled . "Exclusion" means an action taken by the board of directors to prevent enrollment or re-enrollment of a pupil for a period that shall not extend beyond the school year. Expulsion and exclusion proceeding shall be accordance with M.S. 121A.41. The Pupil Fair Dismissal Act.

IN-SCHOOL SUSPENSION

"In-school suspension" means an action taken by the administration removing a student from class to a separate room for part or all of a school day(s). A student will receive credit for all school assignments completed during the period of in-school suspension.

PARENT/GUARDIAN CONFERENCE

If a student has committed a serious rule violation or has been suspended out of school, a parent/guardian conference is required. If a parent/guardian is unable to be present, the administration may contact the parent/guardian by letter or telephone.

REFERRAL TO JUVENILE AUTHORITIES

If a student's behavior may be a violation of law, the administration or designated representative may contact juvenile authorities or police. If the officer indicates that he/she is arresting the pupil, with or without a warrant, he/she shall have complete jurisdiction and responsibility in the matter and the administration will not interfere

with the pupil's removal from the building. The student will, in all cases, be accorded the rights of due process. Whenever possible and appropriate the Director will remain in the room during the questioning of the student.

REMOVAL FROM CLASS/DISMISSAL FOR THE DAY

A student may be removed from an individual class or activity period for a period of time not to exceed five days by an Administrator. "Class period" or "activity period" means instruction for a given course of study in grades 6 -8, and a period of time not to exceed one hour, regardless of the subject of instruction, for grades k - 5.

"Dismissal for the day" means an action requiring a student to leave the school property for one day or less. Parent/guardian notification is required and a parent/guardian conference is required prior to re-admittance.

Grounds for removal from class or dismissal from the building are:

- a. Willful violation of a classroom or school rule or of any rule of conduct specified in the discipline policy.
- b. Willful conduct which materially and substantially disrupts the rights of others to an education.
- c. Willful conduct which endangers school employees, the student or other students, or the property of the school or others.

Procedures for removal from class shall be:

- a. The teacher responsible for classroom instruction may decide upon reasonable cause to remove a student.
- b. The administration and the teacher will develop an appropriate plan for the return of the student to class.
- c. Students will be allowed the privilege of making up daily work, including tests and final exams, upon return after removal from class or dismissal for the day.

STUDENT CONFERENCE

Depending on the violation and the seriousness of the action, a student may meet with the administration and/or a teacher to discuss the incident.

SUSPENSION

"Suspension" means an action taken by the school administration prohibiting a pupil from attending school for a period of no more than ten school days. Students will also be prohibited from all school related activities during suspension.. The purpose of suspension is to remove the student from the school environment and to provide time for professional staff, parent/guardian, and student to discuss the matter and bring about an agreement on future conduct. A separate administrative conference is required for each period of suspension.

If the total number of days a student is removed from school exceeds ten (10) days, reasonable efforts must be made to hold a meeting with the student and parent or guardian prior to subsequently removing the pupil from school. The purpose of the meeting is to attempt to determine the student's need for assessment or other services.

A pupil may be suspended for:

- a. Willful violation of any reasonable Board of Directors policy.
- b. Willful conduct which materially and substantially disrupts the rights of others to an education.
- c. Willful conduct which endangers school employees, the student or other students, or the property of the school or others.

Suspension procedures are the following:

- a. An informational conference with the student will be held, except where it appears the pupil will create an immediate and substantial danger to self or to surrounding persons or property.
- b. A written notice of suspension will be served upon the student at the time of suspension, if possible, and upon the pupil's parent/guardian by mail. Staff will also attempt to notify the student's parent/guardian by telephone at or before the suspension is to take effect.
- c. Students should have the opportunity to complete and receive credit for any assigned course work and/or tests given during their time of suspension. The work needs to be completed and the tests taken in a timely manner.
- d. Days of out-of-school suspension will not be counted as unexcused absences for purposes of attendance.

Suspension and Expulsion procedures are described in Minnesota's Pupil Fair Dismissal Act

Types of Violations and Definitions

Teachers have set out expectations and consequences for not following rules in the classrooms. These work for most students. The following steps will be used when classroom disciplinary actions or steps have not resulted in changed behaviors or the actions require a different response on our part.

VIOLATIONS AGAINST PERSONS

A. ASSAULT

"Assault" is doing an act with intent to cause fear in another of immediate bodily harm or death or intentionally or attempting to inflict bodily harm.

B. AGGRAVATED ASSAULT

"Aggravated assault" is committing an assault upon another person with a dangerous weapon or an assault that inflicts great bodily harm.

C. FIGHTING

"Fighting" is mutual combat in which both parties have contributed to the situation by verbal and/or physical actions. This includes play fighting, and intentional actions where a student places their hands on another student.

D. POSSESSION OF A DANGEROUS WEAPON

"Dangerous Weapon" means any firearm, whether loaded or unloaded, knives, stun guns, martial arts instruments, mace or any device designed as a weapon or any other device or instrument, which in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. This includes any look alike object that may have the appearance of a weapon or dangerous instrument. No student may knowingly possess, store, handle, transmit, use, or encourage, or aid any student to possess, store, handle, or transmit these weapons in: (a) any school building, (b) on any school premises, (c) on any school provided transportation, (d) off the school grounds at any school related activity, event, or function, or (e) in a school zone as defined by Minnesota State Statute (a one block or 300 feet radius from the school, whichever is greater).

Note: A board of directors must expel for a period of at least one school year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.

E. ROBBERY/EXTORTION

The obtaining of property from another by a use of force, or threat of force. Stealing from another without their knowledge.

F. CRIMINAL SEXUAL ASSAULT

The Range of sexual misconduct begins with inappropriate touching and includes serious violations as determined by police.

G. BULLYING/INTIMIDATION/ HARASSMENT

No student may intentionally hurt another person, either physically or psychologically. Students may not participate in, or conspire with others to engage in harassing acts that injure, degrade, or disgrace other individuals.

No student may intentionally or knowingly cause physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative. No means NO.

H. RACIAL/RELIGIOUS HARASSMENT

"Racial/Religious Harassment" is any conduct which interferes with the education or work performance of an individual or a group which creates an intimidating, coercive, hostile, demeaning, or offensive educational and/or work environment. A student may not use racial/religious insults toward other students or staff. The student may not display or circulate materials and/or pictures, which are derogatory to a person's race or religion.

I. SEXUAL HARASSMENT

Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or advancement or of a student's participation in school programs or activities; (2) submission to or rejection of such conduct by an employee or student is used as the basis for decisions affecting the employee or student; (3) such conduct has the purpose of unreasonably interfering with an employee's or student's performance or creating an intimidating, hostile, or offensive work or learning environment. Students and employees display of or circulation of materials and/or pictures, which are sexually explicit or demeaning.

J. INAPPROPRIATE LANGUAGE/CONDUCT

This includes engaging in offensive, obscene, indecent exposure or abusive language behavior or in boisterous and noisy conduct creating alarm, anger, or resentment with staff or other students.

K. UNIFORMS

Students are expected to come to school in their uniform. Hats, caps, scarves, jackets, and coats are not to be worn in the school building.

Parents will be notified and asked to bring a uniform to the student.

L. ELECTRONIC DEVICES

Electronic devices such as laser pointers, pagers, beepers, cellular phones, and other two-way communication devices cannot be worn or carried on school property unless proper site authorization is given by the administration for a medical use. Articles will be confiscated and returned only to the parent or guardian. Cell phones that are needed for after school communication must be turned into the office as soon as the student arrives at school.

M. GANG ACTIVITY

Gang activity is strictly prohibited. A "gang" is herein identified as any group of two or more that participates in disruptive, intimidating, illegal and/or violent activities.

N. BOMB THREAT/THREAT OF BODILY HARM OR DEATH

1st offense: Mandatory immediate notification of police; notification of parents/guardians. 1-3 days in-school or out-of-school suspension; and consideration for expulsion.

2nd offense: move for expulsion.

O. 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. "Student organization" means a group, club, or organization having students as its primary members or participants. Hazing may be reported to any staff member or administrator.

Violations Against School Administrative Procedures

A. DISOBEDIENCE

Refusal to follow school rules and regulations.

B. DEFIANCE OF AUTHORITY/INSUBORDINATION

Willful refusal to follow a direction/order given by a staff member.

C. DISRUPTIVE ITEMS

Items used or brought to school that interfere with the rights of others to an education, instruction, and/or with the effective operations of the school.

D. DISRUPTIVE BEHAVIOR

Actions which interfere with the rights of others to an education, instruction, and/or with the effective operations of the school.

E. RECORD AND IDENTIFICATION FALSIFICATION

1) Falsifying signatures or data.

2) Refusal to give proper identification or giving false identification when requested to do so by a staff member.

F. UNAUTHORIZED DISTRIBUTION

Distribution of literature on or near school property of inflammatory, libelous, slanderous, or otherwise unauthorized material. Administrative approval is required for any materials distributed on or near school property.

G. LEAVING SCHOOL GROUNDS

Leaving school grounds during school hours without proper school authorization.

1ST AND 2ND OFFENSE: Student conference, teacher or administrator set consequences and parent/guardian notification.

3rd and repeated offenses: If, in the judgment of the classroom teacher, the student is NOT making progress to correct the defiant or disruptive behavior, the teacher may request a meeting of the student, parent, affected teachers and the building administrator. The meeting agenda will be to develop a) a behavior plan specific to the needs of the student and b) a timeline for completion of the plan. Failure to make reasonable progress toward completion of the plan may result in suspension, a request for medical or learning disability evaluation or move for expulsion.

H. TRUANCY/TARDINESS

Truancy and Tardiness definition: a student who has been absent without lawful excuse for 3 or more days if the student is in grades k-5, or 3 or more class periods if the student is in grades 6-8. Habitual truancy is if the child has missed 7 or more days in grades k-5, or for one or more class periods for seven school days in grades 6-8.

I. MISBEHAVIOR ON SCHOOL BUS

Students will receive bus safety training and are expected to follow the rules established by the transportation company. Riding the bus is a privilege, and not an automatic expectation. Riding the bus may be taken away if behavior issues continue to impede the driver's ability to provide a safe ride for the students on the bus. Bus expectations will be delivered to each child in the fall.

J. TRESPASSING

Physically present without permission in a school building. Physically present without permission on school grounds or at a school activity after being requested to leave by a school official. Physically present on a school campus or at a school activity after suspension or expulsion.

Violations Against Property

A. FIRES AND FALSE ALARMS

- 1) Arson - the intentional destruction or damage to any school building or property by means of fire or explosives.
- 2) Failure to exercise ordinary caution, resulting in fire in a school building, damage to school property, or injury to persons.
- 3) False Alarm - Giving of a false alarm (police, fire, ambulance, 911) or tampering or interference with any fire alarm system.

B. POSSESSION OR DETONATION OF ILLEGAL FIREWORKS

1st offense: Notification of police, 1-3 days in-school or out-of-school suspension.

2nd offense: 3 days out-of-school suspension. Move for expulsion.

C. THEFT

The unauthorized taking of the property of another.

D. BUSES

The student and family will be responsible for restitution with the transportation company.

Other Violations

A. GAMBLING

Gambling in any form is prohibited on school grounds or any school-related activity.

B. DRUGS/CONTROLLED SUBSTANCES/ALCOHOL

A student shall not possess, use, transmit or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverages, intoxicants of any kind, look-alike drugs or substances that may have the appearance of an illegal substance, such as catnip, oregano, flour, saccharin or other items: (a) on the school grounds, during and immediately before or immediately after school hours, (b) on the school grounds at any time when the school is being used by any school group, (c) off the school grounds at a school activity, function, or event (d) on any district provided transportation, or (e) in a school zone

Note: Students who sell or deal controlled substances on school premises may be subject to expulsion on the first offense.

C. TOBACCO/SMOKING MATERIALS

Students may not use, possess, or visibly display tobacco products/smoking materials on school grounds or in a school zone.

D. DAMAGE TO PROPERTY INCLUDING SCHOOL WORKBOOKS, AND LIBRARY BOOKS

The parent or guardian and student will be liable for fees charged by the school.

E. TECHNOLOGY TAMPERING

Any intentional damage done to any of the technology equipment available at school will be expected to be replaced by the student and family.

Administrative and Staff Response

Staff response to any of the above behaviors includes conferences with the student, parent /guardian notification, and appropriate consequences for the action. In some cases this may mean removal from class or loss of privileges. There may be reflection sheets requested and we may ask for parental signatures on the pages. Administration has the discretion to make the best choice for the student to assure his or her success. Although it is not often in the best interest of the child to send them home on suspension, depending on the

seriousness of the situation and what is needed at the time, and Administrator may send the child home. In all cases the parent/guardian will be notified of the incident and what the next steps will need to be. In the most accelerate situations we may have no other choice than to notify the Police or Juvenile authorities. In situations where the law has been broken it is possible that Expulsion steps may also be taken. In all cases we will follow guidelines, procedures, policies and school law.