**Ubah Academy Policy 506:**

District Student Discipline

**I. PURPOSE**

The purpose of this policy is to ensure that students are aware of and comply with the school district’s expectations for student conduct. Such compliance will enhance the school district’s ability to maintain fair and consistent discipline and ensure that there is

no interference with the educational process. The school district will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

**II. STATEMENT OF PHILOSOPHY ON CONDUCT AND DISCIPLINE**

A. The care, management, and control of the school district is vested in the School Board pursuant to the Minnesota Education Code.

B. Schools have a responsibility to parents and students which goes beyond the educational program. They must provide students with a suitable environment while on the school premises and at other school activities away from the school grounds. An environment conducive to learning must be maintained to ensure an equal educational opportunity for all students. Because an

 environment is partially determined by the conduct of the students, student self-discipline relative to rules and regulations is a desired goal. These rules and regulations are designed to promote a desired

 environment for learning. It shall, therefore, be a policy of Ubah Academy Independent School District No. 4121 that every student abides by all rules and regulations of the district.

C. Before effective learning can take place, reasonable order or discipline must be present. The responsibility of classroom discipline rests first with teachers; however, school administration is responsible to provide supervision, guidance, training and assistance to teachers in handling discipline problems. Experience indicates that a positive

approach to discipline is effective. Early intervention in attempting to improve a student’s behavior is strongly encouraged. This may include but should not be limited to early involvement of parents or guardians and utilizing

available resources, including referral to the child study team and the use of support services.

D. The Ubah Academy School District recognizes its

 obligations to comply with the provisions of the Pupil Fair Dismissal Act and MS 121A.61 (removal of students from class statute). In local, state, and Federal proceedings, the fundamental question has been and is one of fairness for students. The elements of due process are designed to ensure that this goal is reached. Due process is the implementation of procedure which, when adhered to, guarantees the protection of individual rights.

E. The Ubah Academy School District recognizes its

 obligations to comply with the provisions of the Pupil Fair Dismissal Act and MS 121A.55, the School Board values efforts to prevent dismissals through early detection of problems. It is also important to provide services and supports designed to help prevent a student’s inappropriate

 behavior from reoccurring.

F. “Nonexclusionary disciplinary policies and practices” are policies and practices that are alternatives to dismissing a student 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, alternative education services,

 and other policies and practices identified in Minnesota’s Education Code. Under the direction of the superintendent, school administrators will employ nonexclusionary disciplinary policies and practices.

**II. STUDENT DISCIPLINE: STUDENT RIGHTS AND RESPONSIBILITIES**

A. This statement of rights is not expected to cover every situation that may arise. The rights of an individual are preserved only by the protection and preservation of the rights of others. All students attending Ubah Academy District No. 4121 schools have the right to:

 1. A free and appropriate education as defined by state and Federal statutes.

 2. Equal educational opportunity and freedom from

discrimination.

 3. Due process as defined by state and Federal statutes and rules.

 4. Freedom of inquiry and expression.

 5. Data privacy.

 6. Be informed of school rules.

B. Rights bring responsibilities and a student is responsible for the manner in which their individual rights are exercised. This statement of responsibilities is not expected to cover every situation that may arise. All students attending Ubah Academy have the responsibility to:

 1. Attend school daily, except when excused, and to be on time to all classes and other school day functions,

 2. Pursue and attempt to complete the course of study prescribed by the state and local school authorities,

 3. Make necessary arrangements to make up school work when absent,

 4. Assist school staff in maintaining a safe school for all students enrolled therein,

 5. Be aware of all school rules and regulations and conduct themselves in accordance with them,

 6. Assume that until a rule is waived, altered, or repealed,it is in full effect,

 7. Be aware of and comply with state and local law,

 8. Be aware of and comply with State High School

League and regulations and School Board policy when participating in extracurricular activities,

 9. Be willing to volunteer information in disciplinary

cases and cooperate with school staff should they have important knowledge relating to such cases,

 10. Protect and take care of school property and the

property of others,

 11. Dress and groom to meet fair standards of safety,

health, and standards of decency,

 12. Avoid inaccuracies in student newspapers or

publications and indecent or obscene language, both

written and verbal,

 13. Express ideas in a manner that will not demean or slander others.

**III. CODE OF STUDENT CONDUCT**

A. Disciplinary action may be taken for any behavior which is disruptive of good order or violates the rights of others.

The school has the authority and obligation to establish and enforce reasonable standards of conduct. In accordance with the Pupil Fair Dismissal Act and MS121A.61 a student may be removed from class, suspended, excluded, or expelled (definitions set forth in sections V. G and V. H) from school for:

 1. Willful violation of any reasonable School Board

regulation. Such regulation must be clear and definite to provide notice to students that they must conform their conduct to its requirements.

 2. Willful conduct that significantly disrupts the rights of other students to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities, or

 3. Willful conduct which endangers the student or other students, or surrounding persons, including school district employees, or the property of the school

B. The following list identifies unacceptable acts subject to disciplinary action in this school district. Violation of any of these offenses before, during or after school hours while on school property, the school bus, or any other approved vehicle used to transport students; or at school functions or events held at other locations or off school grounds if the

action interferes with or obstructs the mission or operations of the school or the safety of the student, other students and staff or the aiding and abetting of such acts may lead to the implementation of a disciplinary action or consequence listed in part C, including expulsion.

 1. Truancy and unauthorized absence.

 a. As required by current statutes, regulations of the

Department of Education and the School Board of

this district, students shall be in attendance each day that school is in session. Students returning to school following an absence will be expected to complete all the missed assignments within a reasonable period of time.

 b. Truancy, for purposes of this policy, is the absenting of one’s self from school or class without approval of school administration.

 c. If a student develops a pattern of tardiness to school or class, disciplinary action will be taken.

 2. Possession, use (including being under the influence and look alike substances) and/or transmission of controlled substances including but not limited to any

narcotic drug, hallucinogenic drug, inhalant, toxic or

mood altering substances, intoxicating beverage, any

paraphernalia associated with such controlled substances, or any controlled substance or the unauthorized use of prescription drugs.

 3. Possession, use, and/or transmission of tobacco, nicotine products, Electronic Cigarettes, or look-a-likes in any form. .

 4. Possession, and/or transmission of a weapon(s) or any object that can reasonably be considered a weapon(s): weapon means a knife; firearm or an item which looks like a firearm, whether loaded or unloaded, in working or nonworking condition; destructive explosives, any incendiary device or look alike and/or the threatened intent or intent to cause an explosion; or any other device or instrument which is utilized in such a manner so as to threaten, intimidate or produce bodily harm or the fear of such.

 5. Possession and/or use of any electronic device, including a computer, in a manner, which threatens or intimidates others and/or disrupts the educational process;

 6. Violations against persons communicated or attempted to be communicated by any means. Such violations include but are not limited to: verbal and/or nonverbal intimidation/ threats; stalking; obstruction; assault; fighting; extortion; bullying, racial harassment; harassment on the basis of disability sexual harassment/violence; indecent exposure; hazing;

 7. Violations against property including tampering with, unauthorized use of, damage to, or destruction of school property or the property of school personnel and/or others (even though such an act was accidental or a resultof poor judgment); vandalism; trespassing; arson; theft or robbery; possession of stolen property;

 8. Violations of school procedures or acts disruptive to the educational process, including disobedience, disruptive and disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, use of profanity, improper activation of fire alarms, activation of stink bombs and unauthorized access to school data;

 9. Violation of school bus or transportation rules;

10. Violation of parking or school traffic rules and

regulations;

 11. Possession, distribution, or display of slanderous,

libelous, pornographic, racist, or gang related materials or symbolism;

 12. Student attire and/or personal grooming which creates a danger to health or safety; creates a disruption to the educational process, or violates common standards of decency as they apply to a community school setting, and/or any apparel, jewelry, accessories, or matter of grooming which by virtue of its color arrangement, trademark, or any other attribute (as a primary purpose) denotes membership in an organized gang;

 13. Criminal activity;

 14. Violation of other school rules, policies, or procedures.

C. Disciplinary action or consequences for these offenses may

include but are not limited to the following

 1. Student conference.

 2. Parent/guardian contact.

 3. Parent/guardian conference.

 4. In-school monitoring.

 5. Referral to in-school support services.

 6. Detention.

 7. Removal from class.

 8. Suspension from extracurricular activities.

 9. Physical restraint.

 10. Suspension from school .

 11. Referral to Child Study Team

 12. Referral to community, county or outside agencies.

 13. Transfer to another school building.

 14. Expulsion or exclusion from school.

 15. Referral to police or other law enforcement agency.

D. When determining an appropriate action, the administrator will utilize their discretion and will consider the extent of the disruption to the safety of an individual or a group or to the disruption of the learning environment in the schools, and

other relevant factors.

E. If the alleged violator is a student with a disability under IDEA or Section 504 of the Rehabilitation Act, the specific placement and services for the student will be consistent with state and federal requirements.

**IV. STUDENT DISCIPLINE: POLICIES**

A. Student Disruptions Policy

 1. As stated in the philosophy of our District Student

Discipline Policy, an environment conducive to learning must be maintained to ensure equal educational opportunity for all students. Because an environment is partially determined by the conduct of the students, student self-discipline relative to district, building and classroom rules and regulations is a desired goal.

 2. It shall; therefore, be a policy of the Ubah Academy School District that:

 a. Every student abides by the rules and regulations of this district.

 b. Disciplinary action including expulsion may be taken for behaviors, which are disruptive or violate the rights of others to an environment conducive to

teaching and learning.

 3. Early intervention in attempting to improve a student’s pattern of disruptive behavior is strongly encouraged. This should include involvement of parents/guardians and the utilization of available school district resources provided for students, including screening by the child study team.

 4. A student will be referred to the school board for

expulsion, if various appropriate interventions have been implemented and documented and the student persists in behavior which:

 a. Violates any reasonable School Board regulation.

Such regulation must be clear and definite to

provide notice to students that they must conform

their conduct to its requirements, or

 b. 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

 c. Endangers the student or other students, or

 surrounding persons, including school district

 employees, or the property of the school.

B. Policy on Weapons

 1. It is the policy of the Ubah Academy School District to maintain a positive, safe and secure learning and working environment. Therefore, the District will not tolerate weapons as defined in this policy at any time on school property or in the school zone (including district owned buildings and grounds; leased or rented facilities; school

sponsored activities; field trips; school buses and other school vehicles; and school bus loading and unloading areas). Students and visitors may not possess, store, handle, transmit, or use any weapons in any of the school environments listed above. Any student found to possess, store, handle, transmit, or use any weapon before, during, or after school hours will be subject to administrative and/ or legal action.

 \* School zone: The area surrounding school property

to a distance of 300 feet or one city block, whichever

distance is greater, beyond school property.

 2. Students who become aware of a weapon (that is not subject to an exception listed in this policy) being brought to school or on school property must immediately notify an adult staff member. A student, who becomes aware that they are in possession of a weapon and immediately notifies an adult staff member, may avoid, depending on circumstances, being considered to be in possession

of a weapon. Students should not, however, pick up or transport the weapon.

C. Definition of Weapon: weapon is defined as a knife, firearm, or an item which looks like a firearm, whether loaded or unloaded, in working or non-working condition; destructive explosives, any incendiary device or look-alike and/or the threatened intent or intent to cause an explosion; or any

other device or instrument which is utilized in such manner so as to threaten, intimidate or produce bodily harm or the fear of such. Weapons include, but are not limited to the following:

 1. All firearms, loaded, unloaded, working or not working.

 2. Other firearms of all types including pellet, BB, stun, splat, starter pistols, and/or look-a-likes, or replica firearms which include facsimile or toy versions of firearms and reasonably appear to be a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or any other firearm.

 3. Knives including switchblade or automatically opening blades, butterfly knives, Swiss army knives, pocket knives, box-cutters/utility knives hunting knives, daggers, swords, razors.

 4. Artificial knuckles or similar objects designed to be worn over or inside the fist or knuckles.

 5. Blackjacks, clubs, throwing stars, martial arts devices.

 6. Explosives and/or similar devices and/or the threatened intent to cause an explosion.

 7. Poisons, chemicals, combustible or flammable liquids, or substances capable of causing bodily harm.

 8. Slingshots, bows and arrows.

 9. Chemical irritant \*\* i.e. pepper spray, mace.

 10. Any other device or instrument used to intimidate, threaten, or inflict bodily harm or fear.

D. Exceptions: This policy, in accordance with Minnesota law, provides for the following exceptions:

 1. Licensed police officers, military personnel, licensed security personnel.

 2. Instructors of school district approved firearm safety courses or activities conducted on school property.

 3. School district approved possession and use of weapons by ceremonial color guards.

 4. School district approved possession and use of starter guns for athletic contests.

 5. School district approved equipment and tools used and stored appropriately on school property for instructional or work-related purposes by workers and students.

 6. Other exceptions as granted by the superintendent.

E. Implementation of the Policy on Weapons

 1. Weapons violation, Federal law: Pursuant to the Federal “Gun Free Schools Act of 1994” any student who brings a weapon (firearm and/or destructive device as defined under Federal law) to school shall be expelled from school for not less than one year. Consistent with state and federal law, the school board or Superintendent may modify this requirement on a case-by-case basis and any recommendation for expulsion must be consistent with the limitations imposed by state and federal special education and disability laws.

 2. High school students: Possession of a weapon, as defined in this policy, by students in high school, grades nine through graduation, will lead to immediate initiation of the expulsion process and referral to the police. The School Board will expel high school students for a period of not less than the equivalent of one trimester of student contact days, and not more than 12 months. Alternative educational services will be provided to the student during the expulsion.

 3. Administrative Discretion: While the Ubah Academy School District forbids the possession, use or distribution of weapons by students, the superintendent or their designee may use discretion in determining whether, under specific circumstances outlined by district administration and the school board, a course of action other than a referral to the school board for expulsion is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser

discipline.

5. Students with Disabilities:

 a. Students with disabilities may be suspended for

violation of school rules in accordance with state and

federal law.

 b. If the student is in violation of the district drug,

alcohol policy or has a weapon as defined by federal

law is a student with a disability under IDEA or

Section 504 of the Rehabilitation Act, the student

may be placed in a 45 school day interim alternative

placement, the specific placement and services for

the student will be consistent with state and federal

requirements and are to be determined by the

student’s IEP Team.

 c. The use of seclusionary time out or restraint of

a student with a disability may be used in an

emergency and must otherwise comply with

Minnesota law on the use of restrictive procedures.

F. Search and Seizure

 1. School Facilities/School Lockers: While the student has exclusive control over their locker, desk, workstation, and other similar assigned areas of school property as against other students, such possession is not exclusive as against the school and its officials. The lockers, desks, work stations, and other similar assigned areas remain the property of the school and, at any time it is deemed necessary, the principal or their designee has the authority to conduct a search and confiscate items considered illegal illicit, or disruptive to the educational process or evidence tending to prove a violation of law or a rule of the School District.

 2. Students and their Personal Possessions: While the

student has exclusive control over their property in their immediate possession as against other students it is not exclusive as against the school and its officials. When a reasonable suspicion arises that use or possession of a student’s property or its contents is illegal, illicit, disruptive, or a danger to that student or others, a search may be made of the student’s person and/or personal property; including vehicles.

 3. Conducting a search

 a. Before conducting a search, the principal or

designee will determine that there is a reasonable

suspicion that the search of a student or of a

student’s personal property will produce evidence

that the student has violated or is violating either

the law or the rules of the School District.

 b. The search shall be conducted in a manner, which

is reasonably related to the objective of the search

and is not excessively intrusive into the student’s

privacy in light of the age and sex of the student

and the nature of the violation. Items considered

illegal, illicit, disruptive to the educational process,

or evidence tending to prove a violation of law or of

a rule of the School District may be confiscated.

4. Procedures to Implement the Policies on Search and Seizure

 a. Only the building principal or specific designee shall be responsible for determining if a search will be conducted.

 b. A written record of each search will be kept by

the principal or designee on a form provided for

this purpose; including the facts upon which a

reasonable suspicion rests, location, time, reason

for the search and/or seizure, persons present, and

disposition of items.

 c. A search of a student’s person or personal property

shall be done as discreetly and privately as possible

without compromising safety.

 d. Those items considered to be illegal, illicit,

disruptive, a general nuisance to the educational

process, or evidence tending to prove a violation of

a law, or a rule of the District may be held by school

administration. The storage, return, or disposition

of withheld items shall be at the discretion of the

principal, subject only to legal impoundment.

 e. Repossession of school property shall not be

considered seizure.

 f. The School District retains the authority to patrol

school parking lots and inspect the exteriors of

automobiles or other motor vehicles on school

property. The interiors of vehicles on school

property may be inspected and searched when

the principal or specific designee has a reasonable

suspicion to believe that materials which are illicit,

illegal, or disruptive to the education process are

contained inside that vehicle.

**V. REMOVAL OF STUDENTS FROM CLASS**

A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning detention or other consequences, or contacting the student’s parent/guardian. 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.

B. 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, including the Code of Student Conduct in this policy; or

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

C. Removal from class is the short-term exclusion of a student from class during which the school retains custody of the student. Students violating the code of student conduct may be removed from class at the discretion of the classroom teacher for the duration of the class or activity period. If the student is to be removed for additional time, this and the conditions for return to class will be determined at a conference between the principal and the teacher.

Students removed from class shall be the responsibility of the principal or designee. The principal or designee shall inform the student and the student’s parent/guardian of the conditions for returning to class.

D. If a student’s total days of removal from class exceeds ten (10) cumulative days in a school year, the principal or designee shall make reasonable attempts to convene a meeting with the student and the student’s parent/guardian prior to removing the student from class. The purpose of this meeting is to attempt to determine the student’s need for assessment or other services.

E. Parent/guardian notification: Parents/guardians shall be notified of a violation of the rules and of the resulting disciplinary action. Under unusual circumstances, principals may determine that it is not necessary to notify the parent/guardian.

F. Modified Learning Program: The short-term modification of a student’s program, not to exceed five days per infraction, during which the school district retains custody of the student.

**VI. OUT OF SCHOOL SUSPENSION**

A. Suspension is the short-term exclusion, not to exceed five days (unless the student presents a danger to themselves or others) per infraction of the student from school during which the school is relieved of the custody of the child.

B. If the suspension is longer than five days, the suspending administrator must provide the superintendent or designee with a reason for the longer suspension. A suspension may not extend beyond fifteen days.

C. Upon the sixth consecutive day of a suspension an

alternative form of education must be presented to the

child, i.e. supervise homework.

D. Suspensions shall be utilized in accord with the Pupil Fair Dismissal Act and with this policy.

E. School administration must allow a suspended student the opportunity to complete all school work assigned during the period of the student’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 an employee as a liaison to work with the student’s teachers to allow the suspended student to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers’ feedback.

**VII. EXCLUSION AND EXPULSION**

 1. Exclusion is an action taken by the School Board to prevent enrollment or reenrollment of a student for a period that shall not extend beyond a school year.

 2. Expulsion is an action taken by the School Board to prohibit an enrolled student from further attendance for a period of time that shall not extend beyond one calendar year from the date the child is suspended for the expellable offense.

 3. Exclusion and expulsion shall be utilized in accordance with the Pupil Fair Dismissal Act and this policy.