



STUDENT BEHAVIOR HANDBOOK: **RIGHTS & RESPONSIBILITIES**

For Students, Parents/Guardians and Staff

Saint Paul
PUBLIC SCHOOLS

2016-17

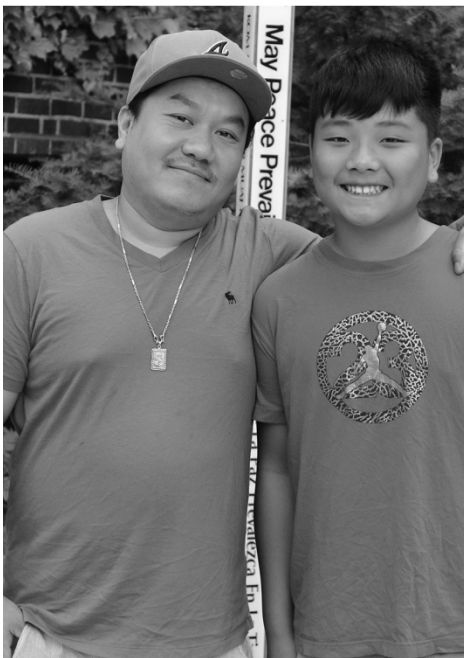


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Board of Education

If you would like to receive this information in another language, please contact your school.
 Haddii aad jeclaan lahayd inaad heshid warkan oo ku qoran Af-Soomaali, fadlan la xiriir iskuulkaaga.
 Yog koj xav tau cov ntaub ntawv no ua lus Hmoob, thov tiv tauj koj lub tsev kawm ntawv.
 Si usted desea recibir esta información en español, por favor contáctese con su escuela.
 မန့်ဆဲဉ်ဒီး ဒီးန့ၢ်တၢ်ဂ့ၢ်တၢ်ကျိၤအဝဲအံၤလၢ ကျိၢ်အဂ့ၢ်အဂၤန့ၢ်, ဝံသးစုဆဲးကျိးန့ၢ်အကိၢ်တက့ၢ်.



To the parents, families and community of Saint Paul Public Schools:

Students have rights to a safe and equitable education in Saint Paul Public Schools. Students also have responsibilities to behave appropriately. This Handbook is a guide to those rights and responsibilities.

We want readers of this Handbook to understand what is expected of them. We also want students and parents to be aware of the consequences for behavior that is not appropriate in school.

Most of all, we hope the information in this handbook will help us create respectful, supportive environments where learning – and fun – can happen every day.

Parents, you are your child’s first teacher and primary role model. Please review this handbook together with your student. If you have questions about anything you read here, contact your child’s teacher or principal.

To review the entire handbook online, visit spps.org/Rights_and_Responsibilities.

Persons with visual impairments may request a copy of this booklet in an alternate format, such as large print, audio recording, etc. Contact the Office of Communications, Marketing & Development at 651-767-8110. This publication is available online at www.spps.org.

FOREWORD

This handbook is a guide to student behavior. The SPPS Board of Education creates and adopts policies to guide the actions of everyone in the district. The Superintendent develops procedures to show how these policies will be implemented in SPPS. Principals and program administrators can then add further rules necessary for their students, staff and community. Teachers and other staff then work with students to set and follow the expectations for how they will work together in each classroom. Adult staff members are held to high standards of behavior and are subject to all applicable laws, Board of Education policies, and Human Resources’ rules and practices.

The rules and regulations regarding student behavior and discipline in this handbook fulfill the Board of Education’s policies as stated in SPPS Board Policies 506.00, 506.02 and 506.03. Minn. Stat. § 121A.55(a).

This handbook applies to incidents and situations that occur on any property owned or controlled by SPPS or occurring in connection with any activity sponsored by or associated with SPPS. This handbook may also apply to incidents involving SPPS students if an unapproved connection or association to SPPS or its staff is explicitly or implicitly stated or inferred (for example, hazing).

SHARED RESPONSIBILITIES

Increasing Respect, Responsibility and Safety

Saint Paul Public Schools (SPPS) provides a safe and welcoming environment and a premier education for all students. To ensure both a positive learning environment at all district sites, as well as effective classroom management, all stakeholders have an important role.

Students

- Believe in your unlimited potential for greatness
- Build and maintain positive, trusting relationships with school staff
- Plan and organize your daily routines in order to be successful throughout your day
- Accept responsibility and learn to be accountable
- Show respect to other students, their parents/guardians and all staff
- Tell an adult when you need assistance
- Observe and follow school rules and procedures
- Go to school every day on time, arrive at each class on time ready to learn, and give your best effort
- Use school resources and equipment with care

Parents/Guardians

- Believe your child has unlimited potential
- Establish a positive relationship with someone at the school – this may be a principal, teacher, social worker, counselor, or advisor
- Work with staff in a mutually respectful process focusing on the success of your child
- Seek help if you don't understand or like a decision or the reasons behind it
- Attend parent-teacher conferences, or if unable to attend, ask a family member to attend in your place
- Respect and support the learning environment and emphasize the importance of being prepared for school
- Foster your child's academic success and behavior in school by stressing the importance of following school rules and procedures
- Make sure your child arrives at school on time each day
- Set boundaries for iPad use at home

SPPS Staff and School Community

- Believe all students have unlimited potential
- Build and maintain positive, respectful relationships with students and their parents/guardians
- Communicate regularly with parents/guardians
- Create a warm, welcoming, safe and secure environment
- Develop a community and learning environment that provides for social, emotional and academic success
- Have consistently high academic and behavioral expectations for all students
- Model professional behavior in handling difficult situations and use de-escalation strategies
- Provide personalized, engaging and academically appropriate instruction, including culturally responsive teaching
- Treat all students fairly and consistently when enforcing rules and procedures
- Tailor instruction for student voice and choice within a technology rich learning environment

POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS (PBIS): A FRAMEWORK FOR EVERY SCHOOL

Saint Paul Public Schools is committed to creating and sustaining positive, effective and culturally-inclusive environments that support academic, behavioral and social-emotional success for all students. The framework used to create these environments is called Positive Behavioral Interventions and Supports (PBIS). The foundation of the PBIS framework is an educational approach to behavior and discipline which includes both proactive and responsive strategies and interventions providing a continuum of support for all students.

At the school level, administration and school teams work together to design their own three-tiered system of equitable behavioral supports for all students. Emphasis is placed on prevention of problem behavior by teaching expected positive behaviors. Schools systematically collect and use student behavior data to guide the teaching and support that takes place for individual or small groups of students, whole classrooms or school-wide. Data is examined on a regular basis to ensure that behavior practices are implemented in ways that lead to positive and equitable outcomes for all students. Each school continually builds upon and refines their systems and practices to meet the changing needs of their school community.

Positive Behavior Expectations: Elementary and Secondary School Examples

Each school creates clear and consistent, positive behavior expectations that are reflective of their school community and culture. These expectations are defined, taught, monitored, reinforced and corrected. Below are abbreviated examples of an elementary and secondary school-wide matrix. Contact your child’s school to see their specific behavior expectations.

ELEMENTARY EXAMPLE		School-wide Expectations		
		Be Respectful	Be Responsible	Be Safe
Location	Hallways	<ul style="list-style-type: none"> Use voice level 0-1 Greet others nonverbally (wave, smile or thumbs up) Respect student work (Look with eyes only) 	<ul style="list-style-type: none"> Always walk and stand to the right side of hallways and stairs Use a pass and go directly to your destination. <i>“Out of class, show a pass”</i> 	<ul style="list-style-type: none"> Walk at all times Keep hands, feet and objects to yourself Stay with your class in a single line Stay at arm’s length from the wall
	Cafeteria	<ul style="list-style-type: none"> Follow staff directions the first time Use voice level 0-1 and kind words Raise your hand for help 	<ul style="list-style-type: none"> Get everything you need before you sit down Clean up your area: table, seat and floor Throw away garbage and put unwanted food on the sharing table 	<ul style="list-style-type: none"> Enter and exit in an orderly way Stay seated at your table until dismissed Keep hands, feet and objects to yourself Follow the “Show Five” signal immediately
	Bathroom	<ul style="list-style-type: none"> Respect others’ privacy Use the bathroom to take care of business only Use voice level 0-1 	<ul style="list-style-type: none"> Conserve water, paper and soap (1 squirt, 1 paper towel) Use bathroom quickly and quietly Keep electronics off or closed 	<ul style="list-style-type: none"> Wash hands with soap Leave the bathroom clean Keep hands, feet and objects to yourself

SECONDARY EXAMPLE		School-wide Expectations		
		Be Respectful	Be Responsible	Be Safe
Location	Hallways	<ul style="list-style-type: none"> Walk and talk Greet others Use school appropriate language 	<ul style="list-style-type: none"> Enter class before the bell rings Use a pass and go directly to your destination. <i>“Out of class, show a pass”</i> 	<ul style="list-style-type: none"> Stay to the right Keep hands, feet and objects to yourself
	Cafeteria	<ul style="list-style-type: none"> Follow staff directions the first time Wait your turn in line Use school appropriate language 	<ul style="list-style-type: none"> Get everything you need before you sit down Clean up your area: table, seat and floor Throw away garbage and stack tray 	<ul style="list-style-type: none"> Stay at your original table until bell rings Keep hands, feet and objects to yourself
	Bathroom	<ul style="list-style-type: none"> Respect others’ privacy Use bathroom for its intended purpose 	<ul style="list-style-type: none"> Conserve water and supplies Use closest bathroom to your class Keep all electronics/ technology off or closed 	<ul style="list-style-type: none"> Leave the bathroom clean Keep hands, feet and objects to yourself

STUDENT RIGHTS AND RESPONSIBILITIES

Students who attend SPPS have various rights and opportunities. Students also have responsibilities to teachers, other staff and fellow students. Students have other rights guaranteed by the Constitution and by state and local laws. The rights and responsibilities in this summary are not all-inclusive and do not cover every situation that may arise. The section below describes student rights, opportunities and responsibilities in SPPS.

Access to Records

Rights/Opportunities

Students' parents/guardians and eligible students under federal law generally have the right to view their school records according to state and federal laws.

Students have the right to privacy regarding their school records. Any disclosure of information from student records will be consistent with legal requirements and policy established by the school district.

Responsibilities

Eligible students are responsible for following established building and district procedures regarding access to their school records.

Attendance and Tardiness

Rights/Opportunities

Eligible resident students have the right to a free public education according to state and federal law.

Absence or tardiness of students because of religious holidays and observances shall be recorded as excused absences or tardiness at the written request of the parent/guardian. For more details, see Board Policy 503.00 at www.boe.spps.org.

Responsibilities

Students and parents/guardians are responsible for following the school's attendance and tardiness rules and procedures.

Students and parents/guardians are responsible for notifying the school (e.g., a written note, phone call) before an absence or upon returning to school after an absence.

Students are responsible for obtaining a pass from a staff person when late for class or if there is a need to leave class.

Students and parents/guardians are responsible for notifying the school if the student must leave during the school day. For more details, see Board Policy 503.03 at www.boe.spps.org.

Equal Opportunity

Rights/Opportunities

Students have the right of equal opportunity, as allowed by law, to participate in all school activities and school education programs for which they are eligible.

Responsibilities

Students are responsible for following the rules and procedures of the school-sponsored activity in which they participate or others participate. Students may not discourage the participation of other students.

Fair Treatment

Rights/Opportunities

Students have the right to due process as defined in the Minnesota Pupil Fair Dismissal Act when involved in a violation of district rules. Included is the opportunity to hear the nature of the violation and to give their account of the situation.

Students have the right to be informed of all applicable classroom and school rules, expectations and procedures.

Students have the right to be treated respectfully by district employees and other students.

Students have the right to be free from unreasonable physical contact from teachers and other students. Reasonable force by staff to restrain or correct a student from injuring self, other persons, or property, however, is allowable.

Responsibilities

Students are responsible for responding to all directions or questions from staff and for following all laws, policies, rules and expectations that apply to them.

Students are responsible for knowing and following all applicable classroom rules, expectations and procedures.

Students are responsible for treating all persons respectfully.

Students are responsible for respecting the space and freedom of those around them.

Students are expected to treat the property of others and the district responsibly.

Students are responsible for refraining from using force or physical contact to inflict harm on another.

Students are responsible for not engaging in conduct that threatens to injure themselves, other persons or property.

Free Speech and Expression

Rights/Opportunities

Students have the right to free speech so long as their speech does not violate the rights of others.

Responsibilities

Students are responsible for expressing opinions, publishing written materials, and distributing literature in such a manner that is not libelous, obscene, discriminatory, or sexually explicit; that does not contain references to alcohol, chemicals, tobacco, or other products that are illegal for use by minors; that does not interfere with the rights of others; that does not disrupt the atmosphere of learning in the school; and that follows school rules and procedures regarding time, place and manner.

Permission of the school principal is required for distribution or posting of written materials.

Learning and Academic Work

Rights/Opportunities

Students have the right to attend school and gain an education as provided by law. Attendance at a particular school is a privilege, not a right. For more details, see Minn. Stat. § 120A.36 at revisor.mn.gov/statutes.

Students have the right to attend school in a safe environment that is free from disruptive behavior by others.

Students have the right to make up school work missed during any excused absence.

Students have the right to necessary home/hospital instruction as regulated by state guidelines when absent for an extended period.

Responsibilities

Students are responsible for daily attendance, for completing class assignments on time, and for bringing appropriate materials required for class use.

Students are responsible for behaving in such a manner that supports learning for all and does not pose a potential or actual danger to themselves or others and that is not disruptive to the learning process for others.

Students are responsible for obtaining and completing make-up work assigned for periods of absence.

Medications

Rights/Opportunities

Students have the right to receive medications and medical procedures that must be administered during the school day in order for a student to attend school.

Responsibilities

Students are responsible for daily attendance, for completing class assignments on time and for bringing appropriate materials required for class use.

Students are responsible for behaving in a manner that supports learning for all, does not pose a potential or actual danger to themselves or others and is not disruptive to the learning process for others.

Non-Discrimination/Harassment-Free Environment

Rights/Opportunities

Students have the right to a learning environment free from discrimination, harassment, and violence based on an individual's race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, familial status, sexual or affectional orientation, gender identity and expression, or disability. For more details, see Board Policy 102.00 and Board Policy 415.00 at www.boe.spps.org.

Students have a right not to be retaliated against for making good faith reports of discrimination, harassment, or violence.

Responsibilities

Students are responsible for treating other students and district employees respectfully and in a manner that does not discriminate or harass an individual based on protected class.

Students are responsible for reporting to staff (i.e., teacher or principal) incidents of discrimination, harassment, violence, or retaliation that they have experienced or of which they are aware.

Personal Property and Privacy

Rights/Opportunities

Students generally have a right of privacy in their persons and in their personal property on school district property and at school sponsored or associated events.

According to Minnesota law, students have the right to utilize school-owned property (e.g., lockers, desks, iPads) for storing appropriate items of personal property with the understanding that all school-owned property is within the exclusive control of the school district and may be searched by school authorities for any reason, at any time, without permission, consent or requirement for a search warrant. For more details, see Minn. Stat. § 121A.72, subd. 1 at revisor.mn.gov/statutes.

Responsibilities

Students must not bring onto school district property or to school-sponsored or associated events any item or material that violates school district policy, school rules, or state or federal law, or that would cause, or tend to cause, a disruption or endanger the health or safety of students or other people. Items prohibited include, but are not limited to, stolen goods, weapons and lookalike weapons, and other illegal items.

When reasonable suspicion exists to believe a student possesses prohibited items or that a search will uncover evidence of a violation of a school rule or of the law, school officials may conduct a reasonable search of a student's person or property.

Students are responsible for keeping their lockers/desks in good condition and free of any items that are illegal or prohibited.

The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials. For more details, see Minn. Stat. § 121A.72, subd. 1 at revisor.mn.gov/statutes.

Pledge of Allegiance

Rights/Opportunities

Minnesota law requires all public schools to provide students the opportunity to recite the Pledge of Allegiance at least once a week (unless the School Board votes to waive this requirement).

Responsibilities

Anyone who does not wish to participate in reciting the Pledge of Allegiance for any personal reasons may elect not to do so, and students must respect another person's right to make that choice. For more details, see Minn. Stat. § 121A.11, subd. 3(b) at revisor.mn.gov/statutes.

Student Dress

Rights/Opportunities

Students have the right to choose their manner of dress and personal grooming unless it presents a clear danger to the student's health or safety, causes an interference with school work or creates classroom or school disorder.

Responsibilities

Students are responsible for wearing clothes that are appropriate for school. To maintain a safe learning environment, students' dress cannot be a health and/or safety hazard, obscene, sexually explicit, or discriminatory. Clothing that displays words or images that communicate a message that is racist, sexist, or otherwise derogatory is not permitted. Clothing that displays references to alcohol, chemicals, tobacco or other products that are illegal for use by minors is not permitted.

Students are responsible for abiding by the school principal's mandated minimum standards of cleanliness and neatness. Students who attend schools that have adopted a school uniform requirement must follow the school's uniform requirement. For more details, see Board Policy 501.03 and Board Policy 501.04 at www.boe.spps.org.

Student Government

Rights/Opportunities

Students have the opportunity to form and participate in student government that is open to all members of the student body being represented. The purpose of the existence of student government is to represent and to be responsive to the needs of all students.

Responsibilities

Students are responsible, when forming a student government, for establishing purposeful governing rules. The student government is responsible for communicating with the student body, faculty and administration, and for being aware of and complying with any school district policies affecting the student government procedures.

Technology Usage and Safety

Rights/Opportunities

Students have the opportunity to access a variety of district technology resources in support of personalized learning.

Responsibilities

Students are responsible for using the district technology resources, including iPads, properly and following all district and school rules and procedures.

Students are responsible for respecting the privacy of other users, and not intentionally seeking information on, obtaining copies of, or modifying files, other data or passwords belonging to other users without permission.

Students are responsible for maintaining the security of the district technology resources and recognizing and honoring the intellectual property rights of others.

Students are responsible for immediately disclosing inadvertent access of unacceptable materials or an unacceptable Internet site to an appropriate school district administrator.

Students are responsible for using the district technology resources without making changes to device operating systems and security profiles or installing any apps other than those authorized by Saint Paul Public Schools.

Students are responsible for ensuring that any digital content on district technology resources is school-appropriate.

Unacceptable use of the district technology resources, including e-mail and the Internet, may result in one or more of the following consequences: suspension or cancellation of use or access privileges, discipline under applicable district policies and procedures, or civil or criminal liability under applicable laws. For more details, see Board Policy 520.00 at www.boe.spps.org.

STANDARDS OF STUDENT BEHAVIOR

A safe and positive learning environment is essential for learning. Knowing and following the expectations and procedures will support students in making positive choices. When students engage in inappropriate or disruptive behaviors, there are consequences. When students do not follow the expectations, school staff members are expected to respond appropriately and consistently. School administrators will inform the parents/guardians of any student whose behavior is in conflict with established expectations and procedures. Students and their parent/guardian are responsible for working collaboratively with school staff to support the expectations and procedures outlined in the Student Behavior Handbook.

RESPONSES AND LEVELS OF BEHAVIOR VIOLATIONS

This section of the summary divides inappropriate and disruptive behaviors into five levels of violations with examples of interventions and disciplinary responses.

- **Interventions** are opportunities for students to learn appropriate behavior with the goal of facilitating positive behavioral change. Interventions may involve school staff as well as support staff in the broader community.
- **Disciplinary responses** may also be used. Every reasonable effort should be made to change inappropriate behavior using interventions and the least severe disciplinary responses possible.

These guidelines describe the various administrative actions that may be taken for violations of the school district’s rules, policies, procedures and the law. Interventions and responses shall be enforced within the general guidelines outlined in the Violations Levels 1-5 and the Violations Matrix. A Level 1 violation is the least severe (and most often a classroom-managed behavior), and a Level 5 violation is the most severe. The format of this section begins with the MINIMUM disciplinary responses and potential interventions for each violation. The MAXIMUM administrative actions are expulsion and exclusion. For each violation on the charts below, the first (•) is the minimum disciplinary action. The presence of a dot (•) in a given cell in the matrix does not imply or require that an administrator will use a “step-by-step” progression of increasing severity in dealing with a violation. However, there shall be a logical relationship between the severity and frequency of the offense and the age of the student and the administrative action.

Factors to be considered prior to assigning administrative actions:

The student’s age, maturity and understanding of the impact of their behavior

The student’s willingness to repair the harm caused by the behavior

Previous interventions and consequences applied

The circumstances and context, severity and frequency of the behavior

The student’s individualized Education Plan (IEP) or 504 plan, if applicable

Unless otherwise noted, these policies apply to student behavior occurring on any property owned or controlled by SPPS or occurring in connection with any activity sponsored by or associated with SPPS. The following represent the majority of violations that occur.

LEVEL 1

Level 1 interventions are generally addressed by school staff members when a student has minimal or no prior violations. The staff response teaches correct, alternative behavior so students can learn and demonstrate safe and respectful behavior. Staff members are expected to use a variety of teaching and management strategies.

Note: A severe occurrence or repeated instances of a violation may be treated as a violation at a higher level.

Note: Please refer to the Glossary for additional terms, definitions, related Minnesota statutory references, and other information.

Examples of Intervention Responses	
<p>Interventions aim to correct and teach alternative behavior so students can learn and demonstrate safe and respectful behavior. School staff members are expected to use a variety of methods and classroom management strategies that may include:</p> <ul style="list-style-type: none"> • Reteach expected behavior/skill • Verbal or nonverbal redirection • Role play • Written reflection/apology • Seat change • Teacher/student conference • Daily progress sheet on behavior • In class time-out • Restitution (fix-it plan) • Removal from class to another supervised classroom (short-term) • Change in schedule • Loss of privilege(s) • Student contract 	<p>Appropriate staff interventions may involve the parent/guardian and other members of the school community. Interventions may include:</p> <ul style="list-style-type: none"> • Parent/guardian notification • Parent/guardian/teacher conference • Parent/guardian accompanying student to school or class • Removing, adjusting, or covering up clothing that violates student dress requirements • In-school community service • Conflict resolution • Mentoring program participation • Contract between teacher, student and parent/guardian • Peer mediation • Referral <p>Note: A severe occurrence or repeated instances of a violation may be treated as a violation at a higher level.</p>

Level 1 Violations	Levels					Police Notification
	1	2	3	4	5	
Absence, Tardiness Arriving late to school or to class.	•	•				
Absence, Unexcused Unauthorized absence from school or class.	•	•				
Cheating or Plagiarizing Academic dishonesty including, but not limited to, copying the work of others on school assignments or tests, and using the ideas or writings of another person including work accessed digitally.	•	•	•			
Defiance of Authority Willful refusal to follow directions given by a staff member.	•	•	•			
Disruptive Behavior Situations and/or actions that staff members believe interfere with, or have the potential to interfere with, effective learning and/or operations of the school.	•	•	•			
Language, Inappropriate Swearing or using words in a disrespectful way.	•					
Physical Contact (No Bodily Harm) Students engage in non-serious but inappropriate physical contact, such as pushing and intimidation.	•	•	•			
Student Dress Manner of dress or personal grooming that does not fit within the policies or guidelines practiced by the school or district.	•	•				

Level 1 Violations, continued						
	Levels					Police Notification
	1	2	3	4	5	
Teasing and Name Calling A single occurrence of teasing or name calling with or without the intent to injure, degrade, disgrace or intimidate other individuals.	•					
Technology Misuse/Violation This includes being off-task, treating iPads carelessly and airdropping material without permission. See Glossary	•	•	•			
Theft, Minor Unauthorized taking or possession of the property of another, including but not limited to school supplies, food, etc.	•	•				
Unauthorized Use of School Property The unauthorized or illegal use of school property for non-school sponsored activities.	•	•	•			

LEVEL 2

Level 2 violations will generally result in interventions and/or disciplinary responses that involve the school administration. These actions aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school.

Note: A severe occurrence or repeated instances of a violation may be treated as a violation at a higher level.

Note: Please refer to the Glossary for additional terms, definitions, related Minnesota statutory references, and other information.

Examples of Level 2 Responses	
These interventions may involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. <ul style="list-style-type: none"> Behavioral skills training Student conference Parent/guardian notification Parent/guardian conference Restorative practices (restitution, mediation) School community service Referral to Student Assistance Team (SAT) 	<ul style="list-style-type: none"> In-school suspension Removal from class (focus room or alternative setting) Detention Saturday school Utilization of lower-level interventions and consequences in addition to the above <p>Note: A severe occurrence or repeated instances of any previous violation may be treated as a violation at a higher level.</p>

Level 2 Violations						
	Levels					Police Notification
	1	2	3	4	5	
Absence, Chronic Truancy Continued unauthorized absences.		•	•			
Bullying Unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.		•	•	•	•	
Bullying Using Technology (Cyberbullying) This type of bullying takes place online or through technology and may take place in a variety of ways, including but not limited to verbal bullying or social bullying.		•	•	•		
Damage to Property of Others Willful damage to the property of staff members or others.		•	•	•		
Damage to School Property Willfully cutting, defacing, or otherwise damaging in any way any property belonging to or used by the school district.		•	•	•		
Discrimination 1 See Glossary		•	•	•		
Disruptive Behavior to and from School Behavior that endangers or harasses students on their way to and from school, or at the bus stop, or diverts the bus driver's attention from driving.		•				

Level 2 Violations, continued						
	Levels					Police Notification
	1	2	3	4	5	
Gambling Playing of a game of chance for stakes.		•	•			
Gang Activity See Glossary		•	•	•	•	
Harassment, Based on Protected Status 1 Harassment includes physical or verbal conduct or communication, directed at an individual, that is 1) based on an individual's race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, gender identity and expression, familial status, or disability; and 2a) has the purpose or effect of creating an environment that is intimidating, hostile, or offensive with respect to that individual; or 2b) otherwise adversely affects the individual's employment, educational opportunities, or access to a benefit from the school district. See Glossary		•	•	•	•	
Interference/Obstruction Any action taken to attempt to prevent a staff member from exercising his/her lawfully assigned duties, including an administrative investigation.		•	•			
Language, Abusive Student delivers verbal messages that include offensive or threatening language.		•	•	•		
Leaving School Grounds Leaving school grounds during school hours without proper clearance.		•				
Medication Policy Violation Students using or distributing prescription or nonprescription medication in an unauthorized manner. See Glossary		•				
Parking Violation Parking in an unauthorized area on school property.		•				
Racial or Religious Harassment 1 Racial or religious harassment consists of physical or verbal conduct or communication relating to an individual's race or religion.		•	•	•		
Record and Identification Falsification Falsifying or altering signature or data, refusing to give proper identification, or giving false identification to staff.		•	•			
Sexual Behavior Engaging in sexual behavior including, but not limited to, sexual intercourse or sexual penetration, sexual contact, indecent exposure, or masturbation.		•	•	•		
Sexual Harassment 1 Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other physical or verbal conduct or communication of a sexual nature.		•	•	•		
Technology - Unauthorized or Inappropriate Use of District Technology Resources See Glossary		•	•	•		
Threats 2 Any oral, written, or physical threat, sign, or act that conveys intent to cause harm or violence, even if made in jest. This includes threats related to race, religion, or sexual violence.		•	•	•		
Tobacco and Other Tobacco Related Devices, Possession/Use See Glossary		•	•			

1 For more information regarding student human rights, please contact the Ombudsperson at 651-767-8394. The Ombudsperson is located at 360 Colborne Street, Saint Paul, MN 55102

2 The Local Pupil Problems Committee may be convened to evaluate the credibility and level of any threat or threatening behavior.

LEVEL 3

Level 3 violations **may result** in a dismissal from school for part of a day or an entire school day.

Note: A severe occurrence or repeated instances of a violation may be treated as a violation at a higher level.

Note: Please refer to the Glossary for additional terms, definitions, related Minnesota statutory references, and other information.

Examples of Level 3 Responses	
<p>These responses may involve the temporary, short-term removal of a student from the school environment because of the severity of the behavior. The duration of the dismissal (or removal), if issued, is to be limited as much as is practicable while adequately addressing the behavior.</p> <ul style="list-style-type: none"> • Parent/guardian notification • Parent/guardian conference 	<ul style="list-style-type: none"> • Dismissal (up to one complete school day) • Alternatives to dismissal • Referral to Local Pupil Problems Committee • Utilization of lower-level interventions and consequences in addition to the above <p>Note: A severe occurrence or repeated instances of any previous violation may be treated as a violation at a higher level.</p>

Level 3 Violations						
	Levels					Police Notification
	1	2	3	4	5	
Audio Alert Device, Possession See Glossary			•			
Fighting Mutual participation in which both parties have contributed to the situation by verbal and/or physical action.			•	•		
Intentional Damage to District Technology Resources See Glossary			•	•		
Physical Aggression (Bodily Harm) An intentional act by a student resulting in bodily harm.			•	•		
Physical Aggression to Staff An intentional act by a student resulting in unwelcome physical contact with a staff person.			•	•		
Pyrotechnic Devices, Possession and/or Detonation See Glossary			•	•		
Repeated Misuse of District Technology Resources Purposeful use of district technology resources in a way that violates district policy.			•	•		
Theft, Major Unauthorized taking/possession of the property of another including but not limited to jackets, expensive electronics, etc.			•	•		
Trespassing, Including During Periods of Dismissal or Suspension Being physically present on school property or at a school activity after being directed to leave by a school administrator or other person lawfully responsible for the control of the premises.			•	•		

LEVEL 4

Level 4 violations will result in the suspension of a student and possible notification of the police. A suspension is a removal from school for more than one day.

Note: Incidents at this level may be referred for expulsion depending on the circumstances.

Note: Please refer to the Glossary for additional terms, definitions, related Minnesota statutory references and other information.

Examples of Level 4 Responses	
<p>These responses may involve the temporary, short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as is practicable while adequately addressing the behavior.</p> <ul style="list-style-type: none"> • Parent/guardian notification • Parent/guardian conference 	<ul style="list-style-type: none"> • Short-term suspension, in excess of one complete school day • Alternatives to suspension • Administrative transfer • Interim alternative educational placement • Referral to Local Pupil Problems Committee • Utilization of lower-level interventions and consequences in addition to the above
<p>Note: Incidents at this level may be referred for expulsion depending on the circumstances.</p>	

Level 4 Violations	Levels					Police Notification
	1	2	3	4	5	
Alcohol, Possession/Use/Under the Influence See Glossary				•		•
Arson See Glossary				•	•	•
Assault Intentionally inflicting bodily harm upon a person without the person's consent.				•		•
Audio Alert Device, Use See Glossary				•		
Criminal Act Committing an act, on school property or in the course of a school-sponsored or school-associated activity that would be a crime if committed by an adult.				•		
Criminal Act Against a Staff Member Committing an act against an SPPS staff member, that would be a crime if committed by an adult.				•	•	•
Criminal Sexual Conduct Sexual conduct amounting to a violation includes criminal "sexual contact" or any other sexual act that would be a criminal act if committed by an adult.				•	•	•
Disorderly Conduct See Glossary				•		
Drugs or Controlled Substances, Possession/Use/ Soliciting/Selling See Glossary				•	•	•
Fires and False Fire Alarms Tampering or interfering with any fire alarm system or failure to exercise caution, resulting in a fire.				•		
Hazing 1, 2 Committing an act against a student, or coercing a student into committing an act, which creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization, or for any other purpose.				•		
Incapacitation Device, Possession, without use or intent to use See Glossary				•		
Physical Aggression (Substantial Bodily Harm) An intentional act by a student resulting in substantial bodily harm.				•	•	•
Possession Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition, without use or intent to use as a weapon See Glossary				•		
Racial or Religious Violence 1, 2 Racial or religious violence is a physical act of aggression or assault or the threat of aggression or assault upon another because of, or in a manner reasonably related to race or religion.				•		•

Level 4 Violations, continued						
	Levels					Police Notification
	1	2	3	4	5	
Reckless or Careless Driving Driving on school property in such a manner as to endanger persons or property.				•		•
Robbery/Extortion Obtaining property from another by force or a threat of force.				•		•
Sexual Violence 1, 2 A physical act of aggression or force or the threat of aggression or force that involves touching another person's intimate parts or forcing a person to touch any person's intimate parts. See Glossary				•		•
Threats, Terroristic 1, 2 Threatening directly or indirectly to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly or vehicle. See Glossary				•		•

LEVEL 5

Level 5 violations require the principal to notify the police and make a referral for an expulsion to the Superintendent or designee. See the full definitions of expulsion, zero tolerance and statutes that apply to the violations online at www.spps.org/rights_and_responsibilities.

Note: Please refer to the Glossary for additional terms, definitions, related Minnesota statutory references, and other information.

Examples of Level 5 Responses	
<p>These responses involve the removal of the student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on maintaining the safety of the school community and ending self-destructive and/or dangerous behavior.</p> <ul style="list-style-type: none"> • Parent/guardian notification • Parent/guardian conference 	<ul style="list-style-type: none"> • Administrative transfer • Interim alternative educational placement • Referral to Local Pupil Problems Committee • Expulsion or exclusion (an act of the Board of Education) • Utilization of lower-level interventions and consequences in addition to the above

Level 5 Violations						
	Levels					Police Notification
	1	2	3	4	5	
Assault, Aggravated The intentional infliction of substantial bodily harm or great bodily harm upon another, or committing an act with a firearm, dangerous weapon, or other weapon with intent to cause fear in another of immediate bodily harm or death.					•	•
Explosive Device See Glossary					•	•
Firearm See Glossary					•	•
Incapacitation Device, Possession, with use or intent to use See Glossary					•	•
Possession/Use of a Dangerous Weapon Other Than a Firearm See Glossary					•	•
Possession/Use of Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition, with use or intent to use as a weapon See Glossary					•	•

¹ For more information regarding student human rights, please contact the Ombudsperson at 651-767-8394. The Ombudsperson is located at 360 Colborne Street, Saint Paul, MN 55102

² The Local Pupil Problems Committee may be convened to evaluate the credibility and level of any threat or threatening behavior.

ADDITIONAL DISCIPLINE INFORMATION

Discipline Processes

All disciplinary actions will be processed pursuant to Saint Paul Public Schools' discipline policies, the requirements of the Minnesota Pupil Fair Dismissal Act, and other applicable law.

Any student who violates the District-wide Student Discipline Policy may be subjected to the consequences established in this Student Behavior Handbook. Any student who violates a policy that has a potential consequence of suspension from school for more than one school day shall have an informal conference with a school administrator.

If a student's total days of removal from school exceed 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.

All students who violate a policy or rule that has the potential consequence of expulsion or exclusion will be given the opportunity to have a hearing in accordance with Minnesota law.

Alternative Educational Services Procedures

If a student is suspended for more than five school days, the student is entitled to alternative educational services that will allow the student to progress toward meeting graduation requirements and the suspending administrator must provide the superintendent with a reason for the longer suspension. Generally, Saint Paul Public Schools (SPPS) provides alternative educational services according to the following schedule:

Length of Suspension	Services Provided	School Administrator or Designee Responsibility	Parent/Guardian Responsibility
Up to five school days	Current classroom work and homework will be made available, if possible.	Arrange for collection of classroom work and homework from teachers.	Pick up classroom work and homework from school administrator or arrange to have it mailed to home. Return completed work upon student's return to school.
Six to 10 school days	Current classroom work and homework will be made available no later than the sixth school day of suspension.	Arrange for collection of classroom work and homework from teachers.	Pick up classroom work and homework from school administrator or arrange to have it mailed to home. Return completed work to school administrator.
Up to 15 school days (only pending expulsion, consideration of administrative transfer, or when student constitutes a substantial and immediate danger)*	Homebound services must be arranged to begin no later than the 11th school day.	Arrange for homebound services as soon as a determination has been made to refer student for expulsion or administrative transfer, or if zero tolerance applies.	Assist school administrator in establishing a schedule for the delivery of homebound services.

This schedule does not preclude school administrators from providing different alternative educational services that allow the student to progress toward meeting graduation requirements. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension.

The school principal is responsible for ensuring that the school attempts to provide required alternative educational services. Parents/guardians also have the responsibilities set forth above. Parents who have concerns about the school's compliance with these procedures should contact the school principal or principal's supervisor promptly.

Additional information related to special education students: SPPS may have additional obligations to special education students that are not explained here. For more information about the rights of special education students, see the Procedural Safeguard Notice Parental Rights for Public School Special Education Students at <http://education.state.mn.us/MDE/SchSup/ComplAssist/ProcSafe/> or contact the school principal, your student's case manager or the special education director at 651-767-8321.

Local Pupil Problems Committee

The Local Pupil Problems Committee (Local PPC) deals with problems relating to student discipline and school adjustment. The principal appoints this committee and it usually includes an administrator, counselor, teachers, social worker, nurse, and/or other staff (5-7 members). The committee shall meet to consider disciplinary and behavioral problems of students referred to it by the principal or designee (chair) and shall recommend to the principal such remedial, corrective, or disciplinary measures as it may deem to be in the best interests of the students and the school. When a major decision or recommendation regarding a student is being considered, parents shall be invited to be present at the Local PPC meeting or to submit a written statement. Parents have the option to bring an additional person with them to the Local PPC meeting, but this additional person may not act as an attorney.

If the Local PPC recommends a school transfer, expulsion or exclusion, the principal can submit the recommendation to a District committee of interdepartmental representatives for further review and decision. This District committee is composed of District administrators and staff from varying areas and perspectives. For Level 5 offenses, the principal has the authority to submit a referral for expulsion or exclusion directly to the District committee for its review and decision without Local PPC action.

If parents/guardians wish, they may submit a written statement within three days after receiving notice of the principal's or Local PPC's recommendation for transfer, expulsion or exclusion. The principal will include any such written statement with the recommendation to the District committee.

School Resource Officers (SROs)

SROs are sworn officers of the Saint Paul Police Department. SROs work in partnership with school administrators to provide the safest learning environment possible. The SROs' primary function is law enforcement. Juvenile or criminal proceedings or consequences against the student do not preclude the school district from disciplining the student for violations of the Student Behavior Handbook or for other misconduct.

Threat Assessment

The Local Pupils Problems Committee or a subset of the Local Pupils Problems Committee will evaluate threats of violence to self or others and threatening behaviors, and determine the probability that a person will carry out a threat. The purpose of a threat assessment evaluation is to guide a site-based threat assessment team through an information gathering process that will result in a supervision plan to maximize student safety. The Office of Security and Emergency Management (SEM) shall provide training, resources, and on-site assistance when requested.

Students with Disabilities/Section 504 Students

Students covered by Section 504 of the Rehabilitation Act of 1973 may be disciplined for behavior related to their disabilities, unless the discipline would result in a significant change of placement. A qualified student with a disability may not be suspended for more than 10 cumulative school days without a manifestation determination conducted by the student's 504 team.

Students with Disabilities and Students with an Individual Education Program (IEP)

When a student with a disability has been suspended for five consecutive school days or after the 10th cumulative school day within the school year, the IEP team must meet to hold a manifestation determination meeting. The team will determine if the behavior is related to the student's disability. The team may need to conduct a Functional Behavior Assessment and write a behavior intervention plan to support the student at school.

That meeting must occur as soon as possible, but no more than 10 days after the sixth consecutive day of suspension or when the tenth cumulative day of suspension has elapsed. A dismissal for one school day or less is a day of suspension if the student with a disability does not receive regular or special education instruction during that dismissal period. A student with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.

Before initiating an expulsion or exclusion, the district, relevant members of the student's individualized education program team, and the student's parent shall, consistent with federal law, determine whether the student's behavior was caused by or had a direct and substantial relationship to the student's disability and whether the student's conduct was a direct result of a failure to implement the student's individualized education program. When a student with a disability who has an individualized education program is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the district shall continue to provide special education and related services during the exclusion or expulsion. Minn. Stat. § 121A.43.

SPPS Discipline Guidelines for Students with Disabilities under State Laws and Federal Regulations
(This chart is not a substitute for special education regulations. Always check the federal or state regulations for clarification.)

Within a school year, student with a disability is removed: 1	IEP Team Meeting Required	Manifestation Determination Required: Behavior is/is not related to disability or IEP not implemented as written.	Functional Behavioral Assessment or Review Required	Disciplinary Change of Placement: Legal term for 11 consecutive or cumulative days of removal. Must give parent Rights & Procedural Safeguards. 34 CFR § 300.536	Interim Alternative Educational Setting (IAES): A setting different than the student's placement that allows the student with a disability to: (1) continue to participate in the general education curriculum, (2) make progress towards meeting IEP goals and objectives and (3) receive services designed to prevent the behavior from recurring. 34 CFR § 300.530(d)(1)-(5)
Removed for 1-10 cumulative days 2	NO	NO	NO	NO	N/A
Removed for 6 OR MORE consecutive days 2	YES	NO	NO	NO	SPPS must provide alternative educational services ⁵ in an IAES during 6 or more <u>consecutive</u> days of removal. The number of days of removal should follow the current SPPS Student Behavior Handbook: Rights & Responsibilities for the behavior that the student displayed.
Removed for 11 cumulative days 3	YES	YES for every dismissal or suspension for rest of school year	YES (or review existing FBA)	YES	SPPS must provide alternative educational services ⁵ in an IAES after every dismissal or suspension for the rest of each school year. The number of days of removal should follow the current SPPS Student Behavior Handbook: Rights & Responsibilities for the behavior that the student displayed. CANNOT use up to 45 days unless one of the 3 behaviors below as a "special circumstance" occurred.
Placed in-school suspension 4	NO	NO	NO	NO	N/A
Removed due to Special Circumstances 6 (Serious discipline incident)	YES	YES	Best practice	YES	An Interim Alternative Educational Setting (of up to 45 school days) can ONLY be used if a student with a disability does the following at school, on school premises or at a school function (34 CFR § 300.530(g)): (1) Carries a dangerous weapon or possesses a dangerous weapon (defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length) 18 USC §930(g)(2) (definition); (2) Knowingly possesses or uses illegal drugs , or sells or solicits the sale of a controlled substance (34 C.F.R. § 300.530 (definition)); or (3) Inflicts serious bodily injury upon another person (defined as a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty) 18 USC §1365(h)(3)(g)(2) (definition).

1 Removals include dismissals (less than a school day) and suspensions (a full school day). All removals count towards days of removal. E.g., 11 dismissals are 11 cumulative days of removal.

2 If the removal brings the total cumulative days in a school year to more than 10 days, see "removed for 11 cumulative school days." 34 CFR 300.530 (e), (f); Minn. Stat. 121A.41, subd.10

3 If a student with a disability has transportation on the IEP and is removed from the school bus, the days of removal from the bus must be counted toward the 6 or more consecutive days or 11 cumulative days of removal.

4 In-school suspension is not considered a removal as long as the student is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services on the IEP and continue to participate with non-disabled students to the extent they would have in their current placement.

5 Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center selected to allow the student to progress toward meeting graduation standards although in a different setting. Minn. Stat. § 121A.41, Subd. 11

6 School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct. The "other requirements of this section" do not allow a 45 school days interim alternative setting except under the three special circumstances. 34 C.F.R. § 300.530(g).

GLOSSARY OF TERMS

Absence -

- **Chronic Truancy**
Continued unauthorized absences. Student will be referred to social worker for consideration to file a court petition or referred to the Truancy Intervention Program (TIP). Ordinarily, chronic truancy does not warrant dismissal.
- **Tardiness**
Arriving late to school or to class.
- **Unexcused**
Unauthorized absence from school or class.

Administrative Placement - A change of placement of a student made for non-disciplinary reasons.

Administrative Transfer - The transfer of a student from one school to another usually as an intervention resulting from serious or repeated violations of this handbook.

Alcohol - Possession, use, or being under the influence of any alcoholic product while on school grounds or at school sponsored activities. Student may be referred for a chemical use assessment. For more details, click on link: Board Policy 504.00.

Alternative to Expulsion (A2E) - An alternative learning environment for students in grades 6-12 recommended for expulsion. A2E allows students to earn school credit while preparing to return to a traditional school setting.

Arson - The intentional destruction of or damage to property by means of fire or explosives. Zero tolerance applies if a combustible or flammable liquid was used. For more details, click on links: Minn. Stat. § 609.561, Minn. Stat. § 609.562, Minn. Stat. § 609.563, Minn. Stat. § 609.5631, Minn. Stat. § 609.5632 (arson in 1st through 5th degrees with definitions).

Assault - Intentional infliction of bodily harm upon a person without the person's consent.

Assault, Aggravated -

- (1) The intentional infliction of substantial bodily harm or great bodily harm upon another, or
- (2) Committing an act with a firearm, dangerous weapon, or other weapon with intent to cause fear in another of immediate bodily harm or death.

Audio Alert Device - Any device intended to be used to produce audio signals for purposes of repelling an attack or intrusion by others.

Behavior Skills Training - Behavioral Skills Training
Students receive behavioral skills training from a school staff member in one or multiple sessions during the school day to learn, relearn and practice positive, appropriate school behaviors, usually in response to a disciplinary incident.

Bodily Harm - Physical pain or injury, illness, or any impairment of physical condition. For more details, click on link: Minn. Stat. § 609.02. subd. 7.

Bullying - Bullying means any verbal or electronic expression, physical act or gesture, or pattern thereof, that has the purpose or effect of causing distress to one or more students and which substantially interferes with educational benefits, opportunities, or performance of the student(s).

Bullying includes, but is not limited to, conduct against a student that a reasonable person under the circumstances knows or should know has the effect of:

- harming a student
- damaging a student's property
- placing a student in fear of harm to his or her person or property
- violating a student's reasonable expectation of privacy
- defaming a student
- intentionally inflicting emotional distress against a student
- creating a hostile educational environment for a student, or
- subjecting a student to intimidation, ridicule, embarrassment or social isolation

For more details, click on link: Minn. Stat. § 121.A.03.

Bullying Using Technology (Cyberbullying) - This type of bullying takes place online or through technology (cyberbullying) and may take place in a variety of ways, including but not limited to verbal bullying or social bullying. Cyberbullying does not include **Harassment Based on Protected Status**. See 'Bullying' definition above.

Bus Suspension - Temporary or long-term prohibition for a student to ride a school bus to school or other events involving riding a school bus.

Bus Violations - Any incidence of unacceptable student conduct on or near any school bus or bus stop. Weapons and other serious violations should be reported using the event type associated with the student's actions, even if they took place on the bus. For more details, click on links: Board Policy 707.02 and Board Procedure 709.01.

Cheating or Plagiarism - Academic dishonesty including, but not limited to, copying the work of others on school assignments or tests, and using the ideas or writings of another person. Cheating also includes misuse of technology to photograph, illegally copy or download materials from the Internet, or use a personal electronic device to text answers, etc.

Contract - A written behavior agreement signed by the student, teacher or administrator, and/or parent/guardian.

Criminal Act - Commission of an act, on school property or in the course of a school sponsored or school-associated activity that would be a crime if committed by an adult.

Criminal Act Against a Staff Member - Committing an act against a SPPS staff member that would be a crime if committed by an adult. This policy applies to student acts occurring on or off school property and during or after school hours.

Criminal Sexual Conduct - Any violation of Minn. Stat. § 609.342 (criminal sexual conduct in the 1st degree) through Minn. Stat. § 609.345 (criminal sexual conduct in the 4th degree). Criminal sexual conduct amounting to a violation includes criminal “sexual contact” or any other sexual act that would be a criminal act if committed by an adult (1) that is accomplished by force, coercion, or threat of a dangerous weapon, (2) that is committed against the person the actor knows or has reason to know is mentally impaired, mentally incapacitated or physically helpless, or (3) that otherwise violates Minn. Stat. § § 609.342-609.345. For more details, click on links: Minn. Stat. § 609.342-.345. See Intimate Parts, Sexual Contact, and Sexual Violence.

Damage to Property of Others - Willful damage to property of staff members and/or others.

Damage to School Property - Willfully cutting, defacing, or otherwise damaging in any way any property, real or personal, belonging to or used by the school district. The parent/guardian shall be liable for all damage caused by the student.

Defiance of Authority - Willful refusal to follow directions given by a staff member.

Detention - The requirement that a student remains in school or attends school outside of normal class time or school hours.

Discrimination - No person shall, on the basis of race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with regard to public assistance, sexual or affectional orientation, familial status, gender identity and expression, or disability, be subjected to discrimination. For more details, click on link: Board Policy 102.00.

Dismissal (or removal from school) - An action taken by school administration requiring a student to leave school for up to one full school day.

Disorderly Conduct - Whenever a student:

- (1) (a) engages in brawling or fighting; or (b) disturbs a lawful assembly or meeting; or (c) engages in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others,
- (2) and the student knows, or has reasonable grounds to know, that such conduct will, or will tend to, alarm, anger, or disturb others or provoke an assault or breach of the peace by others,
- (3) then the student has violated the rule against disorderly conduct.

Disruptive Behavior - Situations and/or actions that staff believe interfere with or have the potential to interfere with effective learning and/or operations of the school.

Disruptive Behavior To and From School - Behavior that endangers or harasses students on their way to and from school, or at the bus stop, or diverts the bus driver’s attention from driving. For more details, click on links: Board Policy 707.02, Board Procedure 709.01.

Drugs or Controlled Substances,

Possession/Use/Soliciting/Selling - The unlawful use, cultivation, manufacture, distribution, sale, purchase, possession, or transportation of any drugs or controlled substance; unlawfully being under the influence of any drugs or controlled substance; or possession of equipment or devices used for preparing or taking drugs or controlled substances. Student will be referred for a chemical use assessment. For more details, click on links: Minn. Stat. § 152.01, subds. 1-23 (Def. of controlled substances), Minn. Stat. § 152.02, Minn. Stat. § 152.021, Minn. Stat. § 152.022, Minn. Stat. § 152.023, Minn. Stat. § 152.024, Minn. Stat. § 152.025 (controlled substance crimes in the 1st through 5th degrees), Board Policy 504.00.

Educational Intervention Program (EIP) - An alternative to suspension from school. Students who are subject to suspension may be assigned to the EIP Program that is located at a site away from the home school. Not available at all sites.

Exclusion - An action taken by the Board of Education to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the current school year.

Explosive Device - Bombs, grenades, mines, rockets, missiles, pipe bombs, or similar devices designed to explode and capable of causing bodily harm or property damage.

Expulsion - Expulsion is a legal act that may be taken by the school board to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled in accordance with Minnesota Statutes §121A.40 to 121A.56.

Fighting - Mutual participation in which both parties have contributed to the situation by verbal and/or physical action.

Firearm - There will be zero tolerance for possession or use of a firearm by any student. Firearms are banned from all property owned or controlled by Saint Paul Public Schools. A firearm is defined in Minn. Stat. § 609.666, subd. 1(a) as a device designed to be used as a weapon, from which is expelled a projectile by the force of explosion or force of combustion. For more details, click on links: Board Policy 903.00, Minn. Stat. §121A.44.

Fires and False Fire Alarms -

- (1) Failure to exercise ordinary caution, resulting in fire in a school building or damage to school property.
- (2) False fire alarm – the giving of a false alarm of fire or the tampering or interference with any fire alarm system.

Staff is required to notify of police and fire departments. Student consequences include suspension, possible administrative transfer and restitution for damage.

Gambling - Playing of a game of chance for stakes.

Gang Activity - Student misconduct may also constitute gang activity if it meets all of the following criteria:

(1) The student/participant belongs to or associates with (2) a group of three or more people who band together under a common identifying symbol, sign, or name, and (3) the participant, while under the supervision of Saint Paul Public School personnel, participates in a separate violation listed in this handbook to further an implicit or explicit goal of the gang/group. Gang activity is only an additional violation to a primary violation of another rule of student behavior.

Great Bodily Harm - Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. For more details, click on link: Minn. Stat. § 609.02, subd. 8.

Harassment Based on Protected Status - Harassment includes physical or verbal conduct, or communication directed at an individual that **is**:

(1) based on an individual's race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, familial status, sexual or affectional orientation, gender identity and expression, or disability; **and**

(2a) has the purpose or effect of creating an environment that is intimidating, hostile, or offensive with respect to that individual; **or**

(2b) otherwise adversely affects the individual's employment, educational opportunities or access to a benefit from the school district.

Examples of gender identity harassment include refusing to use the correct name and pronoun, violating personal privacy or data privacy including "outing" the student, physically barring or in other ways making it difficult to access facilities consistent with the student's identity or expression.

For more details, click on links: Minn. Stat. § 121A.03, Board Policies 415.00, 510.00.

Hazing - Committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. Prohibited conduct includes, but is not limited to, any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body. The policy applies to student conduct occurring on or off school property and during and after school hours. When such acts occur off school property, the prohibition against hazing applies if any connection to Saint Paul Public Schools is implicit or explicit. For more details, click on link: Board Policy 501.00 See Assault.

Incapacitation Device -

- (1) a device designed or intended by the manufacturer to be used to temporarily immobilize or incapacitate
- (2) persons by means of electronic pulse or a current;

- (3) any pain compliance device; or tear gas or tear gas derivative, or any substance intended to function similar to tear gas.

For more details, click on link: Minn. Stat § 624.731.

In-School Community Service - An action taken by school administration where a student is required to do voluntary work in order to give back to the community.

In-School Suspension - An action taken by school administration to prohibit a student from attending classes for a period of time (more than half of a school day) while remaining under the supervision of school staff during the school day.

Intent, Intentionally, or Intentional - "With intent to" or "intentionally" or "intentional" means that the student/actor either has a purpose to do the thing or cause the result specified, or believes that the act, if successful, will cause that result. For more details, click on link: Minn. Stat. § 609.02, subd. 9.

Intentional Damage of District Technology Resources - Willful damage to hardware, software or other equipment.

Interference/Obstruction - Any action taken to attempt to prevent a staff member from exercising his/ her lawfully assigned duties, including an administrative investigation.

Interim Alternative Educational Setting (see IEP supervisor): An action taken by school and district administration to remove the special education student to an interim alternative educational setting for not more than 45 days. An Interim Alternative Educational Setting (of up to 45 school days) can **ONLY** be used if a student with a disability does the following at school, on school premises or at a school function (34 CFR § 300.530(g)):

- (1) Carries a **dangerous weapon** or possesses a dangerous weapon (defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length) 18 USC §930(g)(2) (definition);
- (2) Knowingly possesses or uses **illegal drugs**, or sells or solicits the sale of a controlled substance (34 C.F.R. § 300.530 (definition)); or
- (3) Inflicts **serious bodily injury** upon another person (defined as a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty) 18 USC §1365(h)(3)(g)(2) (definition).

Intervention - An opportunity for students to learn appropriate behavior with the goal of facilitating positive behavioral change. An intervention may involve school staff as well as support staff in the broader community.

Intimate Parts - Includes the primary genital area, groin, inner thigh, buttocks, or breast (as well as the clothing covering the immediate area of the intimate parts). For more details, click on link: Minn. Stat. § 609.341, subsd. 5, 11.

Language -

- **Abusive**
Student delivers verbal messages that include offensive or threatening language.
- **Inappropriate**
Swearing or using words in a disrespectful way.

Leaving School Grounds, Unauthorized - Leaving school grounds during school hours without proper clearance. For more details, click on link: Board Policy 503.03.

Loss of Privilege - An action taken by school administration to prevent a student from participating in an activity or the loss of privilege as a consequence of a violation.

Medication Policy Violation - Students using or distributing prescription or non-prescription medication in an unauthorized manner. For more details, click on link: Board Policy 516.00. See also Drugs or Controlled Substances, Possession/Use/Soliciting/Selling.

Mediation - Students who are in conflict with one another may be asked to participate in a mediation session led by a mediator to resolve the issues causing the conflict.

Minnesota Pupil Fair Dismissal Act - The Pupil Fair Dismissal Act is a state law that protects all students, with or without disabilities, in suspension, expulsion, and exclusion proceedings. For more details, click on link: Minn. Stat. § 121A.40 to § 121A.56.

Parent - Student's legal guardian as listed in CAMPUS.

Parent Guardian Conference/Notification - Administrative discussion and communication with a parent or guardian to address student academic or behavioral issues.

Parking Violation - Parking in an unauthorized area on school property. For more details, click on link: Board Policy 501.02.

Physical Aggression (Substantial Bodily Harm) - An intentional act by a student resulting in substantial bodily harm. It includes, but is not limited to, kicking and slapping. Students engage in serious physical contact where injury may occur.

Physical Aggression to Staff - An intentional act by a student resulting in unwelcome physical contact with a staff person. It includes, but is not limited to, pushing, slapping and intimidation.

Physical Contact (No Bodily Harm) - Students engage in non-serious but inappropriate physical contact, such and pushing and intimidation.

Police Notification - If an administrator believes that a student may have violated a law, the police may be called to file a report and/or to assist as necessary.

Possession/Use -

- **Dangerous Weapon Other Than a Firearm**
There will be zero tolerance for possession or use of a dangerous weapon by any student. A “dangerous weapon other than a firearm” is defined as
 - (1) any device or instrument designed as a weapon and capable of producing death or great bodily harm
 - (2) any device modified so that it may be used as a weapon and capable of producing death or great bodily harm
 - (3) any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm
 - (4) any fire that is used to produce death or great bodily harm
 - (5) any knife with a blade equal to or greater than 2.5 inches in length
 - (6) any replica firearm, BB gun, or pellet gun
 - (7) brass knuckles

For more details, click on links: Minn. Stat. § 609.02, subd 8 (def. great bodily harm), (same link as next definition)

Minn. Stat. § 609.02, subd 6 (def. of dangerous weapon),

Minn. Stat. § 609.66 subd. 1d

18 U. S. C. § 930(g)(2) (def. dangerous weapon)

St. Paul Legis. Code § § 225.01, 225.02

Board Policy 903.00.

- **Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition**
Other weapon includes any device or instrument – including any nonconventional weapon – that, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm or substantial bodily harm, or fear of any degree of bodily harm. (Other weapons include knives with blades under 2.5 inches, fake knives, look alike weapons, box cutters, ammunition, etc.) Zero tolerance applies for possession of other weapon with use or intent to use. (def. bodily harm, substantial bodily harm) see Minn. Stat. § 609.02 subds. 7, 7a, 9, and 17; Minn. Stat. § 609.713, subd. 3(b) (def. BB gun & replica firearm); and Minn. Stat. § 624.713 (ammunition).

Pupil Problems Committee (PPC) - For serious behavior concerns, this committee meets to problem-solve interventions and next steps.

Pyrotechnic Devices, Possession and/or Detonation - A firework or firecracker.

Racial or Religious Harassment - Racial or religious harassment consists of physical or verbal conduct or communication relating to an individual's race or religion when the conduct:

- (1) has the purpose or effect of creating an intimidating, hostile, derogatory, or offensive employment, educational, or school district environment
- (2) has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education or
- (3) otherwise adversely affects an individual's employment, educational opportunities, or access to a benefit from the school district.

For more details, click on links: Minn. Stat. § 121A.03, Board Policy 415.00.

Racial or Religious Violence - Racial or religious violence is a physical act of aggression or assault or the threat of aggression or assault upon another because of, or in a manner reasonably related to, race or religion. Such an act may also constitute a criminal law violation. For more details, click on links: Minn. Stat. § 121A.03, Board Policy 415.00.

Reckless or Careless Driving - Driving on school property in such a manner as to endanger persons or property.

Record and Identification Falsification - Falsifying or altering signature or data, refusing to give proper identification or giving false identification to staff.

Referral for Other or Outside Services - Chemical use assessment, social worker, mental health, etc.

Removal from Class - An action taken by a teacher, principal or other school district employee to prohibit a student from attending class for a period of time (must be less than half of a day). Minn. Stat. § 121A.60, subd. 1. Please note: More than half of a day becomes In School Suspension.

Repeated Misuse of District Technology Resources - Purposeful use of district technology resources in a way that violates district policy.

Restitution - Repairing harm or replacing items that were stolen or damaged or providing fair market value by way of compensation or service. It requires a student to pay for or fix damages or misappropriation of property and may be imposed separately or in addition to other sanctions.

Robbery/Extortion - Obtaining of property from another by force or a threat of force. If force or threat of force is not used, see Theft.

Sexual Behavior - Engaging in sexual behavior including, but not limited to, sexual intercourse or sexual penetration, sexual contact, indecent exposure, or masturbation. See also Intimate Parts, Sexual Contact.

Sexual Contact - Includes the consensual and non-consensual touching of another person's intimate parts or forcing a person to touch any person's intimate parts, and committed with sexual or aggressive intent. For more details, click on link: Minn. Stat. § 609.341, subds. 5, 11. See Intimate Parts.

Sexual Harassment - Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other physical or verbal conduct or communication of a sexual nature when:

- (1) that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment, educational, or school district environment
- (2) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education or a benefit from the school district or
- (3) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education or access to a benefit from the school district.

For more details, click on link: Minn. Stat. § 121A.03, Board Policy 415.00.

Sexual Violence - Sexual violence is a physical act of aggression or force, or the threat of aggression or force, that involves the touching of another person's intimate parts (as well as the clothing covering the intimate parts), or forcing a person to touch any person's intimate parts.

For more details, click on links: Minn. Stat. § 121A.03, Minn. Stat. § 609.341, Board Policy 415.00. Such an act may also constitute a criminal law violation. See Assault, Intimate Parts, Sexual Behavior, Sexual Contact, and Criminal Sexual Conduct.

Student Assistance Team (SAT) - A general education initiative that provides support for teachers in meeting the unique learning and behavioral challenges of their students. The goal of the SAT is to assist those students needing differentiated instruction, behavioral supports, or other interventions to assure their success in the general education setting. Student Assistance Team (SAT) is also referred to as Teacher Assistance Team (TAT), Learner Supports Team (LST), Problem Solving Team (PST), or Student/Teacher Assistance Team (STAT).

Student Dress - Manner of dress or personal grooming that does not fit within the policies or guidelines practiced by the school or district. For more details, click on links: Board Policy 501.03, Board Policy 501.04.

Student Conference - Administrative discussion or communication with student to address student academic or behavioral issues.

Substantial Bodily Harm - Bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member. For more details, click on link: Minn. Stat. § 609.02, subd. 7a.

Suspension - An action taken by the school administration to prohibit a student from attending school for a period of no more than 10 school days. An additional five days may be added if exclusion or expulsion is being considered, or if the student's presence will create an immediate and substantial danger. Minn. Stat. § 121A.41, Board Policy 506.03.

Tardiness - See also Absence.

Teasing and Name Calling - A single occurrence of teasing or name calling with or without the intent to injure, degrade, disgrace, or intimidate other individuals.

Technology Misuse/Violation - Student engages in inappropriate use of technology including and not limited to iPad, mobile device, personal electronic device, camera, computer and/or other. Students are not permitted to access the Internet via personal Wi-Fi accounts, 3G/4G cards, anonymous proxy sites, or by any other manner while on Saint Paul Public Schools property or at district functions. Student removal of a memory card or battery from a camera, phone, or mobile device while it is in the process of being confiscated is considered grounds for disciplinary action by school administration. For more details, click on link: Board Policy 520.00 Technology Usage and Safety.

Technology, Unauthorized or Inappropriate Use of District Technology Resources - Any act that violates the Board of Education's Technology Usage and Safety Policy or constitutes an unacceptable or illegal use of the school district's computer facilities, systems, networks or software. This includes sending or posting harmful text or images using the Internet, wireless phones, or other communications devices. This policy applies to student acts occurring on or off school property and during or after school hours using district technology resources. Student consequences include possible loss of technology access privileges, dismissal, police notification, and/or restitution. For more details, click on link: Board Policy 520.00. See Bullying, Cyberbullying, Harassment.

Theft -

- **Major**
Unauthorized taking/possession of the property of another including, but not limited to jackets, expensive electronics, etc.
- **Minor**
Unauthorized taking or possession of the property of another including, but not limited to school supplies, food, etc.

Threats - Any oral, written, or physical threat, sign, or act that conveys intent to cause harm or violence, even if made in jest. This includes threats related to race, religion, or sexual violence.

Threats, Terroristic - Threatening directly or indirectly to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly, or vehicle or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience. For more details, click on link: Minn. Stat. § 609.713 (def. of terrorist threats).

Tobacco and Other Tobacco Related Devices, Possession/Use - Students are prohibited from having tobacco, lighters, matches, e-cigarettes and other tobacco related devices in their possession. Possession or use of any type of tobacco product by a student will be governed by Minnesota Statutes and School Board policy regarding Tobacco Free Environment. Three cumulative violations will result in a referral to Ramsey County Attorney. For more details, click on link: Board Policy 414.00.

Trespassing - Being physically present on school property or at a school activity after being directed to leave by a school administrator or other person lawfully responsible for the control of the premises. Being on school grounds during a dismissal or suspension period is considered trespassing. For more details, click on links: Minn. Stat. § 609.605, subd. 4, St. Paul Legis. Code § 283.01-283.03.

Unauthorized Use of School Property - The unauthorized or illegal use of school property for non-school sponsored activities.

Violation - Doing something prohibited by policy, law, or code of behavior.

Warning - An oral or written communication to stop a behavior that interferes with the learning environment or is unsafe.

Withdrew - Student withdrew from school district in lieu of or in conjunction with other disciplinary resolutions.

Zero Tolerance - If a student has violated a rule to which zero tolerance applies, the building principal must refer the student for expulsion or exclusion.

APPENDIX I – BOARD OF EDUCATION POLICIES

501.00 Hazing Prohibition

1. No student, teacher, administrator, volunteer, contractor, other employee of the School District or member of the Board of Education shall plan, direct, encourage, aid or engage in hazing.
2. No teacher, administrator, volunteer, contractor, other employee of the School District or member of the Board of Education shall permit, condone or tolerate hazing.
3. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
4. Prohibition of hazing extends to behavior that occurs on or off school property during and after school hours.
5. A person who engages in an act that violates the district's prohibition of hazing or any law prohibiting hazing in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
6. The School District shall act to investigate all complaints of hazing and will discipline any student, teacher, administrator, volunteer, contractor, other employee of the School District or member of the Board of Education who is found to have violated this policy.

Definitions

1. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
 - Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 - Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the students to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - Any activity or communication that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 - Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of the School District policies or regulations.
2. "Student organization" means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization need not be an official school organization to fall under this definition.

Reporting Procedures

1. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct that may constitute hazing shall report the alleged acts immediately to an appropriate School District official designated by this policy.
2. The building principal is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to the Human Resources Department or to the Office of the Superintendent.
3. Teachers, administrators, volunteers, contractors, other employees of the School District and members of the Board of Education shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person, who receives a report of, observes, or that that may constitute hazing, shall inform the building principal immediately.
4. Submission of a good-faith complaint or report of hazing will not affect the complainant's or reporter's future employment, grades or work assignments.

School District Action

1. Upon receipt of a complaint or report of hazing, the School District shall undertake or authorize an investigation by the administrator to whom the principal reports or a third party designated by the School District.
2. The School District may take immediate steps to protect the complainant, reporter, students, or others pending completion of an investigation of hazing. Upon completion of the investigation, the School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences shall be sufficiently severe to deter violations and to appropriately discipline prohibited behavior.

Reprisal

The School District shall discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, other employee of the School District or member of the Board of Education who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists or participates in an investigation, or against any person who testifies, assists or participates in proceedings or hearing relating to such hazing.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Dissemination of Policy

This policy shall appear in each school's student handbook and in each school's building and staff handbooks.

Legal References:

Minn. Stat. § 121A.69

Cross References:

- Board Policy 506.00 Student Discipline
- Board Policy 415.00 Harassment, Violence and Other Offensive Behavior

Bullying Prohibition

Saint Paul Public Schools (SPPS) revised the bullying prohibition policy to align with the new Safe and Supportive Schools Act signed into law in 2014. The revisions were minor and included additional language mandated by the law. The law also stipulates that an inquiry process must be outlined for schools providing guidance for how the school responds to a report of bullying. These guidelines were developed in partnership with the SPPS Bullying Prevention Task Force, teaching staff, and the Office of Teaching and Learning.

: Minn. Stat. § 121A.031 School Student Bullying Policy, Board Policy 505.00 Bullying Prohibition.

APPENDIX II – MINNESOTA PUPIL FAIR DISMISSAL ACT

Minn. Stat. § 121A.40 CITATION.

Sections 121A.40 to 121A.56 may be cited as the "Pupil Fair Dismissal Act."

History: 1974 c 572 s 1; 1Sp1997 c 4 art 7 s 10; 1998 c 397 art 9 s 26; art 11 s 3

121A.41 DEFINITIONS.

Subdivision 1. **Applicability.** As used in sections 121A.40 to 121A.56, the terms defined in this section shall have the meanings assigned them.

Subd. 2. **Dismissal.** "Dismissal" means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.

Subd. 3. **District.** "District" means any school district.

Subd. 4. **Exclusion.** "Exclusion" means an action taken by the school board to prevent enrollment or reenrollment of a pupil for a period that shall not extend beyond the school year.

Subd. 5. **Expulsion.** "Expulsion" means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled.

Subd. 6. **Parent.** "Parent" means (a) one of the pupil's parents, (b) in the case of divorce or legal separation, the parent or parents with physical custody of the pupil, including a noncustodial parent with legal custody who has provided the district with a current address and telephone number, or (c) a legally appointed guardian. In the case of a pupil with a disability under the age of 18, parent may include a district-appointed surrogate parent.

Subd. 7. **Pupil.** (a) "Pupil" means any student:
(1) without a disability under 21 years of age; or
(2) with a disability under 21 years old who has not received a regular high school diploma or for a child with a disability who becomes 21 years old during the school year but has not received a regular high school diploma, until the end of that school year; and
(3) who remains eligible to attend a public elementary or secondary school.
(b) A "student with a disability" or a "pupil with a disability" has the same meaning as a "child with a disability" under section 125A.02.

Subd. 8. **School.** "School" means any school defined in section 120A.05, subdivisions 9, 11, 13, and 17.

Subd. 9. **School board.** "School board" means the governing body of any school district.

Subd. 10. **Suspension.** "Suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The

readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

Subd. 11. **Alternative educational services.** "Alternative educational services" may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under section 123A.05 selected to allow the pupil to progress toward meeting graduation standards under section 120B.02, although in a different setting.

History: 1974 c 572 s 2; 1975 c 162 s 41; 1983 c 7 s 1; 1983 c 163 s 1; 1983 c 243 s 5 subd 1; 1986 c 444; 1991 c 265 art 3 s 38; 1994 c 647 art 4 s 36; 1995 c 226 art 3 s 9; 1Sp1997 c 4 art 7 s 11-16; 1998 c 397 art 9 s 26; art 11 s 3; 1998 c 398 art 2 s 39-41; 1999 c 123 s 1; 1Sp2001 c 6 art 3 s 1; 1Sp2003 c 9 art 3 s 1; 1Sp2005 c 5 art 11 s 2; 2009 c 96 art 3 s 1,2

121A.42 POLICY.

No public school shall deny due process or equal protection of the law to any public school pupil involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion. History: 1974 c 572 s 3; 1998 c 397 art 9 s 26

121A.43 EXCLUSION AND EXPULSION OF PUPILS WITH A DISABILITY.

(a) Consistent with federal law governing days of removal and section 121A.46, school personnel may suspend a child with a disability. When a child with a disability has been suspended for more than five consecutive school days or ten cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's individualized education program 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 individualized education program. That meeting must occur as soon as possible, but no more than ten days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

(b) A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period. The notice requirements under section 121A.46 do not apply to a dismissal of one day or less.

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

(d) Before initiating an expulsion or exclusion under sections 121A.40 to 121A.56, the district, relevant members of the child's individualized education program team, and the child's parent shall, consistent with federal law, determine whether the child's behavior was caused by or had a direct and substantial relationship to the child's disability and whether the child's conduct was a direct result of a failure to implement the child's individualized education program. When a child with a disability who has an individualized education program is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services during the exclusion or expulsion.

History: 1991 c 265 art 3 s 19,38; 1Sp1997 c 4 art 7 s 17; 1998 c 397 art 9 s 26; art 11 s 3; 1999 c 123 s 2; 1999 c 241 art 2 s 2; 2009 c 96 art 3 s 3

121A.44 EXPULSION FOR POSSESSION OF FIREARM.

(a) Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one 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.

(b) Notwithstanding chapter 13, a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

History: 1995 c 226 art 3 s 10; 1998 c 397 art 9 s 26; art 11 s 3

121A.45 GROUNDS FOR DISMISSAL.

Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

Subd. 2. **Grounds for dismissal.** A pupil may be dismissed on any of the following grounds:

- (a) willful violation of any reasonable school board regulation. Such regulation must be clear and definite to provide notice to pupils that they must conform their conduct to its requirements;
- (b) 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
- (c) willful conduct that endangers the pupil or other pupils, or surrounding persons, including school district employees, or property of the school.

Subd. 3. **Parent notification and meeting.** If a pupil's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the

permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

History: 1974 c 572 s 4; 1978 c 764 s 93; 1986 c 444; 1Sp1997 c 4 art 7 s 18; 1998 c 397 art 9 s 26; 2001 c 183 s 1,2; 2004 c 294 art 2 s 8

121A.46 SUSPENSION PROCEDURES.

Subdivision 1. **Informal administrative conference before suspension.** The school administration shall not suspend a pupil from school without an informal administrative conference with the pupil. The informal administrative conference shall take place before the suspension, except where it appears that the pupil 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.

Subd. 2. **Administrator notifies pupil of grounds for suspension.** At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the pupil may present the pupil's version of the facts.

Subd. 3. **Written notice of grounds for suspension.** 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 sections 121A.40 to 121A.56, shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

Subd. 4. **Suspension pending expulsion or exclusion hearing.** Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.

History: 1974 c 572 s 5; 1978 c 764 s 94; 1986 c 444; 1Sp1997 c 4 art 7 s 19- 22; 1998 c 397 art 9 s 26; art 11 s 3

121A.47 EXCLUSION AND EXPULSION PROCEDURES.

Subdivision 1. **Requiring a hearing; pupil may waive hearing.** No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the school board or its agent.

Subd. 2. **Written notice.** Written notice of intent to take action shall:

- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time, and place of the hearing;
- (d) be accompanied by a copy of sections 121A.40 to 121A.56;
- (e) describe alternative educational services accorded the pupil in an attempt to avoid the expulsion proceedings; and
- (f) inform the pupil and parent or guardian of the right to:

- (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district shall advise the pupil'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 Department of Education;
- (2) examine the pupil's records before the hearing;
- (3) present evidence; and
- (4) confront and cross-examine witnesses.

Subd. 3. **Hearing schedule.** The hearing shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school board, pupil, parent or guardian.

Subd. 4. **Convenient time and place of hearing.** The hearing shall be at a time and place reasonably convenient to pupil, parent or guardian.

Subd. 5. **Closed or open hearing.** The hearing shall be closed unless the pupil, parent or guardian requests an open hearing.

Subd. 6. **Impartial hearer.** The hearing shall take place before:

- (1) an independent hearing officer;
- (2) a member of the school board;
- (3) a committee of the school board; or
- (4) the full school board; as determined by the school board. The hearing shall be conducted in a fair and impartial manner.

Subd. 7. **Creating hearing record.** The school board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense. Testimony shall be given under oath. The hearing officer or a member of the school board shall have the power to issue subpoenas and administer oaths.

Subd. 8. **Access to pupil's records.** At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.

Subd. 9. **Pupil's right to compel testimony.** The pupil, parent or guardian, or representative, shall have the right to compel the attendance of any official employee or agent of the public school system or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and to cross-examine any witness testifying for the public school system.

Subd. 10. **Pupil's right to present evidence and testimony.** The pupil, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

Subd. 11. **Pupil not compelled to testify.** The pupil cannot be compelled to testify in the dismissal proceedings.

Subd. 12. **Hearer's recommendation limited to evidence at hearing; service within two days.** The recommendation of the hearing officer or school board member or committee shall be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.

Subd. 13. **Basis of school board decision; opportunity for comment.** The school board shall base its decision upon the recommendation of the hearing officer or school board member or committee and shall render its decision at a meeting held within five days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations 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 education of the basis and reason for the decision.

Subd. 14. **Admission or readmission plan.** (a) A school administrator shall prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may include measures to improve the pupil's behavior, including completing a character education program, consistent with section 120B.232, subdivision 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

(b) The definition of suspension under 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. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period.

Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials 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.

History: 1974 c 572 s 6; 1986 c 444; 1994 c 647 art 4 s 37; 1Sp1995 c 3 art 16 s 13; 1Sp1997 c 4 art 7 s 23-28; 1998 c 397 art 9 s 26; art 11 s 3; 1998 c 398 art 2 s 42; 2003 c 130 s 12; 1Sp2005 c 5 art 2 s 30

121A.48 GOOD FAITH EXCEPTION.

A violation of the technical provisions of the Pupil Fair Dismissal Act, made in good faith, is not a defense to a disciplinary procedure under the act unless the pupil can demonstrate actual prejudice as a result of the violation.

History: 1Sp1995 c 3 art 9 s 30; 1Sp1997 c 4 art 7 s 29; 1998 c 397 art 9 s 26

121A.49 APPEAL.

A party to an exclusion or expulsion decision made under sections 121A.40 to 121A.56 may appeal the decision to the commissioner of education within 21 calendar days of school board action. Upon being served with a notice of appeal, the district shall provide the commissioner and the parent or guardian with a complete copy of the hearing record within five days of its receipt of the notice of appeal. All written submissions by the appellant must be submitted and served on the respondent within ten days of its actual receipt of the transcript. All written submissions by the respondent must be submitted and served on the appellant within ten days of its actual receipt of the written submissions of the appellant. The decision of the school board must be implemented during the appeal to the commissioner.

In an appeal under this section, the commissioner may affirm the decision of the agency, may remand the decision for additional findings, or may reverse or modify the decision if the substantial rights of the petitioners have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) in violation of constitutional provisions;
- (2) in excess of the statutory authority or jurisdiction of the school district;
- (3) made upon unlawful procedure, except as provided in section 121A.48;
- (4) affected by other error of law;
- (5) unsupported by substantial evidence in view of the entire record submitted; or

(6) arbitrary or capricious.

The commissioner or the commissioner's representative shall make a final decision based upon the record. The commissioner shall issue a decision within 30 calendar days of receiving the entire record and the parties' written submission on appeal. The commissioner's decision shall be final and binding upon the parties after the time for appeal expires under section 121A.50.

History: 1974 c 572 s 7; 1986 c 444; 1Sp1995 c 3 art 16 s 13; 1Sp1997 c 4 art 7 s 30; 1998 c 397 art 9 s 26; art 11 s 3; 1998 c 398 art 2 s 43; 2003 c 130 s 12

121A.50 JUDICIAL REVIEW.

The decision of the commissioner of education made under sections 121A.40 to 121A.56 is subject to judicial review under sections 14.63 to 14.69. The decision of the commissioner is stayed pending an appeal under this section.

History: 1974 c 572 s 8; 1983 c 247 s 60; 1Sp1995 c 3 art 16 s 13; 1Sp1997 c 4 art 7 s 31; 1998 c 397 art 9 s 26; art 11 s 3; 2003 c 130 s 12

121A.51 REPORTS TO SERVICE AGENCY.

The school board shall report any action taken pursuant to sections 121A.40 to 121A.56 to the appropriate public service agency, when the pupil is under the supervision of such agency.

History: 1974 c 572 s 9; 1998 c 397 art 9 s 26; art 11 s 3

121A.52 NONAPPLICATION OF COMPULSORY ATTENDANCE LAW.

The provisions of section 120A.22, subdivision 5, shall not apply to any pupil during a dismissal pursuant to sections 121A.40 to 121A.56.

History: 1974 c 572 s 10; 1989 c 209 art 2 s 11; 1998 c 397 art 9 s 26; art 11 s 3

121A.53 REPORT TO COMMISSIONER OF EDUCATION.

Subdivision 1. **Exclusions and expulsions.** The school board must report through the department electronic reporting system each exclusion or expulsion within 30 days of the effective date of the action to the commissioner of education. This report must include a statement of alternative educational services given the pupil 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.

Subd. 2. **Report.** The school board must include state student identification numbers of affected pupils on all dismissal reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals by age, grade, gender, race, and special education status of the

affected pupils. All dismissal reports must be submitted through the department electronic reporting system.

History: 1974 c 572 s 11; 1Sp1995 c 3 art 16 s 13; 1Sp1997 c 4 art 7 s 32; 1998 c 397 art 9 s 26; 1998 c 398 art 2 s 44; 2003 c 130 s 12; 1Sp2005 c 5 art 2 s 31

121A.54 NOTICE OF RIGHT TO BE REINSTATED.

Whenever a pupil fails to return to school within ten school days of the termination of dismissal, a school administrator shall inform the pupil and the pupil's parents by mail of the pupil's right to attend and to be reinstated in the public school.

History: 1974 c 572 s 12; 1986 c 444; 1Sp1997 c 4 art 7 s 33; 1998 c 397 art 9 s 26

121A.55 POLICIES TO BE ESTABLISHED.

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

History: 1974 c 572 s 13; 1986 c 444; 1994 c 647 art 4 s 38; 1Sp1995 c 3 art 16 s 13; 1Sp1997 c 4 art 7 s 34; 1998 c 397 art 9 s 26; art 11 s 3; 1998 c 398 art 2 s 45; 1Sp2003 c 9 art 2 s 4; 1Sp2011 c 11 art 3 s 12

121A.56 APPLICATION.

Subdivision 1. **Prohibition against discrimination remains in effect.** Sections 121A.40 to 121A.56 shall not be deemed to amend or otherwise affect or change section 363A.13, subdivision 2.

Subd. 2. **Portions of school program for credit.** Sections 121A.40 to 121A.56 shall apply only to those portions of the school program for which credit is granted.

History: 1974 c 572 s 14,15; 1998 c 397 art 9 s 26; art 11 s 3

RESOURCES AND ASSISTANCE

Equal Opportunity/Non-Discrimination Policy

SPPS does not discriminate on the basis of race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with regard to public assistance, sexual or affectional orientation, familial status, or disability. Inquiries regarding our non-discrimination policies should be directed to 360 Colborne Street, Saint Paul, MN 55102 or call 651-767-8145.

To report discrimination, harassment or other violations:

If the alleged harasser is a student, first report the incident to the school principal. Another option is to report the conduct to the Assistant Superintendent for the school at 651-767-8100.

If the alleged harasser is an employee, report the incident to the school principal. Another option is to report the conduct to the Executive Director of Human Resources at 651-767-8200.

For any concern or inquiry regarding discrimination, including Title IX (sex discrimination), you may also contact Title IX Coordinator, Michelle Walker at 651-767-8145.

Reporting procedures can be found at:

http://boe.spps.org/uploads/415_00_1_harassment_violence_and_other_offensive_behavior.pdf

Report form can be found at:

http://boe.spps.org/uploads/415_00_1f1_report_of_discrimination_harassment_violence_other_offensive_behavior.pdf

Students with Disabilities

Saint Paul Public School Resources

- Special Education Department: 651-767-8321
- 504 Coordinator: 651-767-8380

Non-Saint Paul Public School Resources

- MDE (MN Department of Education): 651-582-5200
- PACER (Parent Advocacy Coalition for Education Rights): 952-838-9000

School Ombudsperson

The SPPS ombudsperson helps students, parents and community members resolve school issues if they are unable to reach a satisfactory solution by working with school administrators and staff members. The ombudsperson can help with:

- Negotiating a solution with a teacher or administrator
- Communicating more effectively with a teacher or administrator
- Understanding a school policy, regulation or procedure
- Connecting the person with the appropriate school district staff member or office
- Gathering general information about the school district

Contact the Ombudsperson by calling 651-767-8394 or online at www.spps.org/ombudsperson.

Board of Education

Jon Schumacher, Chair
Zuki Ellis, Vice Chair
Chue Vue, Clerk
Steve Marchese, Treasurer
John Brodrick, Director
Jean O'Connell, Director
Mary Vanderwert, Director

Valeria S. Silva, Superintendent



Saint Paul
PUBLIC SCHOOLS

Saint Paul Public Schools Mission Statement

To provide a premier education for all

Saint Paul Public Schools Vision Statement

- Imagine every student inspired, challenged, and cared for by exceptional educators
- Imagine your parent/guardian welcomed, respected and valued by exceptional schools
- Imagine our community united, strengthened, and prepared for an exceptional future

Saint Paul Public Schools: Where imagination meets destination

Strong Schools, Strong Communities 2.0 -- Strategic Plan GOALS

- Achievement
- Alignment
- Sustainability

“Achievement, alignment and sustainability. We will focus all of our efforts in these three areas to build the strong schools that will become the heart and the hope of our communities.” - *Superintendent Valeria S. Silva*