

## Summary of Changes to Code of Conduct for 2012-2013

Page 3: Overview 1.3 Added "This policy applies to all students (*including participants and those in attendance*) in all district activities.

**Desirable Behaviors That Should be Modeled and Encouraged  
2011-2012 School Year**

**A. Respect rights of others and respect ourselves.**

Students need to develop skills that will help them to become good citizens and community members. Included are a basic knowledge of personal rights and responsibilities, learning to resolve conflicts in appropriate ways and learning to make safe, healthy choices in their daily lives. It is important for students to learn to show common courtesy and respect to others and to learn to feel positively about themselves.

All students need to behave in a way that allows everyone, regardless of gender, race, disability, ethnicity, personal identity, and religious affiliation, to feel free of fear and intimidation.

**B. Display positive learning traits.**

A very important factor in preventing violence is helping students to feel and be more successful during their time in school. A focus on helping students understand the importance of doing quality work, having high expectations for themselves, setting personal goals and achieving them, and learning to work and play cooperatively with others are key components of assisting students to be successful persons. Opportunities to work as part of a team can help develop a sense of belonging and purposefulness. It is felt that improving students' personal feelings of success and self-worth will result in their exhibiting less aggressive and violent behaviors in the schools and in the community.

**C. Follow rules and accept responsibility.**

In any community, a system of rules is necessary for successful work and learning to take place and to ensure personal safety. It is crucial that students learn the school rules and understand the value and importance of following them. Another key lesson that everyone needs to understand is the importance of staying in one's own personal space (both verbally and physically) and to respect the personal space of others. We want students to accept and understand when they have made a poor choice or done something wrong, and accept the consequences for their behavior as part of their learning experience.

Bemidji Area Schools is a partnership of parents, students and staff. We believe that, in addition to academic goals, our purpose is to help students to learn and demonstrate appropriate social skills and positive behaviors. Throughout our Early Childhood and K-12 programs we have many curricular and co-curricular opportunities for students to learn and practice positive behavior and to develop good social skills, tolerance and leadership skills.

In addition to educating students about appropriate behaviors, we follow a list of consequences for inappropriate behaviors to help ensure that all students can learn in a safe environment. Along with these consequences, we provide follow-up interventions such as mediations, drug/alcohol referrals, suicide screenings/prevention, counseling referrals, etc. Additional behavior intervention program examples might be the Lester Bauer Behavior Program and the Olweus Bullying Prevention Program at the elementary levels, Peer Leaders at the Middle School, Lumberjack Leaders and Link Crew for freshman.

## CONSEQUENCES FOR MISBEHAVIOR BASED UPON STUDENT CODE OF BEHAVIOR

### Overview

- 1.1 The consequences for misbehavior described in this regulation are designed to be fair and consistent for all students in the Bemidji Area Schools. They apply to Bemidji Area Schools students on district property, in district vehicles (including buses) and at all school activities (in or out of the district) and events.
- 1.2 Because it is not possible to list every misbehavior that occurs, misbehaviors not included in this regulation will be responded to as necessary by staff. This regulation is based on the assumption that minor behaviors are dealt with by bus drivers, chaperones, teachers, counselors, administrators and other appropriate district staff.
- 1.3 This policy applies to all students (including participants and those in attendance) in all district activities. An additional policy (SBR 700-30-6) and the Minnesota State High School League rules also apply to extracurricular activities.

In order to insure that all parents and students are inserviced about the policy, the following procedures shall be followed:

### Dissemination

- 1.1 Parents - The policy shall be published in the district newsletter prior to the beginning of each new school year. Parents enrolling their children in school after the beginning of the school year shall be provided a copy of the policy.
- 1.2 Students - When a student receives a consequence for a violation of policy, he/she should be informed of the consequences for additional violations. During the first two weeks of each new school year, the consequences for misbehavior listed in this policy shall be reviewed with each student. Students beginning school at other times of the year shall have the policy reviewed with them within two weeks of entering the district. All 5th through 12th grade students shall be asked to sign a form indicating that the policy was reviewed with them. The building principal shall keep the signed form on file until the student has graduated or exited the district. The form shall include the following: student's name, school, grade, date of review, and signature.

### Consequences

- 2.1 For each misbehavior described in this regulation, there are specific consequences for first, second, third and fourth violations. Consequences are defined as follows:
  - 2.1.1 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 re-admission plan. The re-admission plan shall include, where appropriate, a provision for implementing alternative educational services upon re-admission and may not be used to extend the current suspension. Consistent with section 125A.09, subdivision 3, the re-admission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of re-admission. 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 days. In the case of a student with a disability, the student's Individual Education Plan team must meet immediately but not more than ten school days after the date on which the decision to remove the student from the student's current education placement is made. The Individual Education Plan team shall at that meeting: conduct a review of the relationship between the child's disability and the behavior subject to disciplinary action and determine the appropriateness of the child's education plan.

2.1.1.1 Detention as referenced in this Code of Conduct is addressed in the student handbook of each respective building.

The requirement of the Individual Education Plan team meeting apply when:

- (1) the parent requests a meeting;
- (2) the student is removed from the student's current placement for five or more consecutive days; or
- (3) the student's total days of removal from the student's placement during the school year exceed ten cumulative days in a school year.

The school administration shall implement alternative educational services when the suspension exceeds five days. A separate administrative conference is required for each period of suspension. Any student suspended is not allowed on school property, in school district vehicles (including buses), at school activities (in or out of the district) and events.

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.

2.1.2 M.S. 121A.41, Subd. 4 "Exclusion" means an action taken by the school board to prevent enrollment or re-enrollment of a pupil for a period that shall not extend beyond the school year. Any student excluded is not allowed on school property, in school district vehicles (including buses), at school activities (in or out of the district) and events.

2.1.3 M.S. 121A.41, Subd. 5 "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. Any student expelled is not allowed on school property, in school district vehicles (including buses), at school activities (in or out of the district) and events.

2.1.4 When an asterisk (\*) appears in front of a consequence, justify the reasons on the Skyward Report why the student's behavior warranted a consequence other than the consequence listed.

2.2 In addition to the consequences detailed in this regulation, a specific school or the District Transportation Department may respond to student misbehavior in a variety of ways which include, but are not limited to, parent conferences, mediation, restitution, reports to probation services, criminal reports, community service, fines, loss of driving and parking privileges (at the high school level) and chemical evaluation.

2.3 Administrators will refer all suspected crimes committed on district property, in district vehicles (including buses) and at all school activities (in or out of the district) and events to Law Enforcement (School Board Regulation 700-40-3 will be followed).

2.4 Building administrators or their designees are responsible for thoroughly investigating occurrences of misbehavior and based on credible evidence assigning consequences as listed in this document. Consequences should not be determined until all investigations are complete. If needed, another school day should be used to investigate all leads and sources of information. Students may need to be suspended until investigations are completed. Inappropriate behavior by a student on a school bus or at the school bus stop or transfer point shall be investigated by the Transportation Coordinator and the building principal of the building in which the student attends. Consequences for the transportation violation shall be administered by the principal of the building the student attends.

2.5 Any student expelled/excluded from another school in another district will not be allowed to attend a school within the Bemidji Area Schools until the length of time of the expulsion/exclusion in the other district has expired. If a student enters the Bemidji Area Schools and district officials are not aware that the student had been expelled/excluded from another district, the student shall be excluded at the time district officials become aware of

the expulsion/exclusion. Students fitting this description shall be allowed to attend alternative learning centers. The Board of Education may modify this provision on a case-by-case basis.

- 2.6 A student who discovers that he/she has accidentally brought a weapon or a “facsimile of” on property or in school vehicles will not receive a consequence for possessing a weapon or “facsimile of” if immediately upon discovering he/she has it in his/her possession, the student informs a staff person about the weapon or “facsimile of.”
- 2.7 Any student suspended for committing a violent act against another person will be referred for anger management/conflict resolution intervention or other follow-up.
- 2.8 Any student who believes that he/she is being threatened with violence by another student is encouraged to tell an educator and/or his/her parents about the concern. The educator and/or parent should inform a building administrator of the threat. Information provided by a student to a bus driver about a threat should be passed on to the Coordinator of Transportation.
- 2.9 Unless otherwise specified in an IEP, state laws or federal laws, a student with a disability will comply with these procedures.
- 3.0 Any pupil who brings a firearm to school unlawfully shall, as soon as practical, be referred to the criminal justice or juvenile delinquency system.
- 3.1 Firearms (including replica firearms and splat ball guns) shall not be brought onto school property.

### **Sources of Additional Information**

For more information about student behavior, discipline and related issues, refer to individual building’s student handbooks.

See appendix for references regarding state rules and statutes and district policies applicable to this document.

### **Misbehaviors**

Students are expected to not engage in the following activities. The consequences apply regardless of whether the misbehavior took place on school property, in a district vehicle or at a school or district activity or event.

Recorded offenses accumulate for a maximum of three consecutive years and will not be considered for imposing new disciplinary consequences beyond three years of the offense. For the purposes of tracking cumulative offenses however, throughout the student’s years in the school setting the discipline record will remain a part of the student’s permanent record. An offense is dropped from the student’s record three years from the date the offense occurred. For example, a first offense for ammunition possession (I.B.4) that begins in grade 4 in October will continue through the same October date of grade 7. The next offense of ammunition possession that occurs in March of grade 4 will remain on the student’s record through the same March date of grade 7. If a student returning from an expulsion commits another offense in the same category, he/she may again be expelled. The decision to expel a student is based on the category of misbehavior and whether the student has committed the number of offenses within a three year period that call for expulsion.

### **Violent Behavior**

In an effort to provide a safe learning environment, the district may move to more severe penalties upon the degree of violent behavior/aggression that has been exhibited.

## MISBEHAVIORS AND CONSEQUENCES

### I. Physical Violence Towards Others

#### A. Physical Aggression

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense
1. Assault, Aggravated - Committing an assault upon another person with a weapon or an assault which inflicts great bodily harm. Grades k-12	expulsion			
2. Assault, Physically assaulting a person responsible for enforcing school regulations. (see 2.1.4) Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-12	*5-10 day susp/expul			
3/4. Assault, Intentionally inflicting or attempting to inflict bodily harm upon another person or acting with intent to cause fear in another person or immediate bodily harm. (Includes laser pointers, mace or pepper spray.) (see 2.1.4) Includes an accomplice to any assault who may assist by encouraging the act of the assault or by instigating, promoting, or videotaping/recording the assault, includes spitting or the transfer of body fluids.				
Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1-3 day susp	3-5 day susp	5-10 day susp	expulsion
Grades 6-12	*5-10 day susp	*expulsion		
5. Bodily Harm - Committing a reckless act that unintentionally causes bodily harm/or endangerment to self or others. (Includes laser pointers, mace or pepper spray, and spitting.) (see 2.1.4)				
Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
Grades 6-12	*3-5 day susp	5-10 day susp	expulsion	
6. Fighting - Mutual combat (differentiated from poking, pushing, shoving or scuffling) in which both parties contributed to the situation by verbal and/or physical action. (see 2.1.4) Includes an accomplice to any fight who may assist by encouraging the act of the fight or by instigating, promoting, or videotaping/recording the fight, includes spitting or the transfer of body fluids.				
Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
Grades 6-12	*3-5 day susp	*5-10 day susp/exp	expulsion	
7. Terroristic Threats - Threats, directly and indirectly, to commit any crime of violence with the purpose of terrorizing another or to cause evacuation of a building, place or assembly, vehicle or facility. (Includes death threat.)				
Grade k-2	parent conference	1 day susp	2 day susp	3 day susp/referral for assessment
Grades 3-5	1-5 day susp	5-10 day susp	expulsion	
Grades 6-12	expulsion			

**NOTE:** Offenses in any of the prior categorical areas under Section 1A. Physical Aggression 2-6 may be applied cumulatively for purposes of suspension/expulsion.

B. Weapons Possession		1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense
1.	Firearms - Means any firearm, whether loaded or unloaded. Grades k-12	expulsion			
2.	Replica Firearm/Weapon - Means a device or object that is not defined as a dangerous weapon, and that is a facsimile and reasonably appears to be a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, grenade, knife or any other firearm/weapon. (This category includes splat/paint ball guns, includes BB guns and pellet guns.)				
	Grade k-2	1 day/parent conf	2 day susp	3 day susp	4 day susp
	Grades 3-5	1-3 day susp	3-5 day susp	expulsion	
	Grades 6-12	expulsion			
3.	Weapons - A weapon, device, instrument, liquid material, substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. This includes razor blades, straight razors and all knives (administrative discretion will be used with knives having blades of less than two and one-half inches). (see 2.1.4)				
	Grade k-2	*parent conference	*1 day susp	*3 day susp	*5 day susp
	Grades 3-5	*1-3 day susp	*3-5 day susp	*expulsion	
	Grades 6-12	*expulsion			
4.	Ammunition Possession - Possession of bullets, BB's, shot or other projectiles designed to be used in a weapon.				
	Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
	Grades 3-12	1 day susp	2 day susp	3 day susp	expulsion
5.	Explosives, Possession and/or Use - Possession or using any compound or mixture, the primary or common purpose of which is to function by explosion, with substantial and instantaneous release of gas and heat.				
	Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
	Grades 3-12	expulsion			
6.	Fireworks, Possession - Possession or offering for sale any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.				
	Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
	Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
	Grades 6-12	3 day susp	5 day susp	expulsion	
7.	Arson - Intentional destruction or damage to school or district buildings or property by means of fire.				
	Grade k-2	parent conference/ referral for assess	3 day susp	4 day susp	5 day susp
	Grades 3-12	expulsion			

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense
8. Throwing Objects - Throwing any items inside a bus, from outside a bus to inside a bus, or from inside a bus to outside a bus.				
Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-12	1 day susp	3 day susp	5 day susp	loss of bus privileges for remainder of year or 20 school days whichever is greater
9. Possession and/or misuse of other devices or other potentially dangerous devices, including but not limited to, laser pointer, taser, mace or pepper spray. This would also include the misuse of cell phones, cameras, or other devices to record inappropriate acts.				
Grade k-2	parent conference	1 day susp	3 day susp	5 day susp
Grades 3-12	*1 day susp	*3 day susp	*5 day susp	*5-10 day susp/expul

## II. Sexual Violence

1. Sexual - Nonconsenting intercourse.				
Grades 3-12	expulsion			
2. Other - Nonconsenting sexual contact.				
Grades k-2	parent conference/ referral for assess	1 day susp	3 day susp	5 day susp
Grades 3-5	1 day susp	2 day susp	5 day susp	5-10 day susp
Grades 6-12	5 day susp	expulsion		
3. Sexual Extortion - Threatening an individual to obtain sexual favors or promising preferential treatment for sexual favors. (see 2.1.4)				
Grades k-12	*5-10 day susp	expulsion		
4. Sexual Harassment/Inappropriate sexual behavior including indecent exposure and behavior or public nudity and sexting through the use of electronic devices, includes the forwarding of all data as defined. Unwelcomed sexual behavior (to include gestures, comments, physical actions, pictures or written words) that creates a hostile learning environment. This would also include cyber bullying which is a willful and repeated harm inflicted through the use of electronic media using a computer or cell phone (which creates substantial disruption in the learning environment). (see 2.1.4)				
Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
Grades 6-12	*1-2 day susp	*3 day susp	*5 day susp	5-10 day susp/expul

## III. Verbal/Written Aggression Toward Others

1. Abuse - Arousing alarm in others through the use of language or gestures (verbal or written) and racial slurs that are discriminatory, abusive or obscene, or intended to provoke physical aggression. (see 2.1.4)				
Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
Grades 6-12	*1 day susp	*3 day susp	*5 day susp	5-10 day susp/expul



**1<sup>st</sup> Offense      2<sup>nd</sup> Offense      3<sup>rd</sup> Offense      4<sup>th</sup> Offense**

2. Threats - Directly or indirectly threatening (verbal, in writing, or through gestures) another person with bodily harm. This would also include cyber bullying which is a willful and repeated harm inflicted through the use of electronic media using a computer or cell phone (which creates substantial disruption in the learning environment) and including sexting through the use of electronic devices (see 2.1.4)

Grade k-2	*parent conference	*1 day susp	*2 day susp	*3 day susp
Grades 3-5	*1 day susp	*2 day susp	*3 day susp	*4 day susp
Grades 6-12	*1 day susp	*3 day susp	*5 day susp	5-10 day susp/expul

3. Robbery or Extortion - Obtaining property from another person where his/her consent was induced by use of force, threat of force or under false pretense.

Grade k-5	parent conference	1 day susp	2 day susp	3 day susp
Grades 6-12	5 day susp	expulsion		

4. Threatening a person in authority. (see 2.1.4)

Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	2 day susp	3 day susp	4 day susp	5 day susp
Grades 6-12	*3-5 day susp	*5-10 day susp	expulsion	

**IV. Insubordinate and Disrespectful Behavior Toward Others**

**A. Behavior that disrupts the normal operation of the school.**

1. Interference, Disruption or Obstruction - Any action taken to attempt to prevent a staff member or student from exercising his/her lawfully assigned duties.

Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
Grades 6-12	1 day susp	3 day susp	5 day susp	5-10 day susp

2. Dress and Grooming - Wearing clothing that includes words and/or visuals which are obscene, abusive or discriminatory, or which advertise illegal narcotics, drugs or alcohol.

Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-12	1 day susp	2 day susp	3 day susp	4 day susp

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

Grades 8-12	parent conference	5 day loss of privilege to drive on school property	20 day loss of privilege to drive on school property	loss of privilege to drive on school property & refer to law enforcement
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4. Identification Falsification - Falsifying signatures or data, or refusing to give proper identification or giving false information to a staff member.

Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	4 day susp	5 day susp
Grades 6-12	1 day susp	3 day susp	5 day susp	5-10 susp

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense
5. Use of Ignition Devices - Igniting matches, cigarette lighters and other devices that produce flames.				
Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
Grades 6-12	1 day susp	5 day susp	expulsion	
6. Gambling - Playing a game of chance for stakes.				
Grade k-5	parent conference	1 day susp	2 day susp	3 day susp
Grades 6-12	1 day susp	2 day susp	3 day susp	4 day susp
7. Unacceptable sexual behavior.				
Grade k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
Grades 6-12	*3-5 day susp	5-10 day susp	expul	
8. Sexual Intercourse.				
Grades- K-5	*5-10 day susp/expul			
Grades 6-12	*10 day susp/expul			
9. Fire Alarm, False - Intentionally giving a false alarm of fire, or tampering or interfering with a fire alarm.				
Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
Grades 6-12	5 day susp	expulsion		
10. Bullying – Any hurtful or aggressive act toward an individual or group that is intentional or repeated; or Harassing - engaging in or conspiring with others to engage in acts that degrade, intimidate or disgrace other individuals. This would also include cyber bullying and sexting, which is a willful and repeated harm inflicted through the use of electronic media using a computer or cell phone (which creates substantial disruption in the learning environment). (see 2.1.4)				
Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	4 day susp
Grades 6-12	*2 day susp	*3 day susp	*4 day susp	5-10 day susp/expul
11. Hazing - Committing an act against another 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 any organization. (see 2.1.4)				
Grades 3-5	parent conference	1 day susp	2 day susp	3 day susp
Grades 6-12	*1-2 day susp	*3 day susp	*5 day susp	expulsion
12. Actions that indicate gang behavior. (see 2.1.4)				
Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	2 day susp	3 day susp	expulsion
Grades 6-12	*3-5 day susp	*5-10 day susp	expulsion	

**B. Refusing to take direction from someone in authority.**

1. Insubordination - Willful refusal to follow an appropriate direction. (see 2.1.4)				
Grades k-5	parent conference	1 day susp	2 day susp	3 day susp
Grades 6-12	*1 day susp	*2 day susp	*3 day susp	*5-10 day susp

**C. Damage or destruction to school or personal property.**

1. Willful Damage of Property (Vandalism) - Defacing, cutting or otherwise damaging property (includes unauthorized entrance into a computer system) that belongs to the school, to other students, to staff members or to other individuals while the student is on school property, at a school activity, in a district vehicle or under the supervision of school staff. (see 2.1.4)				
Grades k-2	*parent conference	*1 day susp	*2 day susp	*3 day susp
Grades 3-5	*1 day susp	*2 day susp	*3 day susp	*4 day susp
Grades 6-12	*1-3-day susp	*3-day susp	*5-day susp	expulsion
2. Tampering with Emergency of Safety Equipment - Unauthorized use of emergency or safety equipment on the bus, including first aid kits, fire extinguishers and emergency doors or hatches. (see 2.1.4)				
Grades k-12	*parent conference	*1 day susp - bus	*3 day susp – bus	*5 day susp - bus
3. Fire Extinguishers, Unauthorized Use - Unauthorized handling of a fire extinguisher and emergency equipment including AEDs.				
Grades k-5	parent conference	1 day susp	3 day susp	expulsion
Grades 6-12	5 day susp	5-10 day susp	expulsion	
4. Theft or Knowingly Receiving or Possessing Stolen Property - Unauthorized taking of the property of another person, of receiving or possessing such property, or unpaid theft of a service to include the utilization of technology airport services. (see 2.1.4)				
Grades k-2	*parent conference	*1 day susp	*2 day susp	*3 day susp
Grades 3-5	*1 day susp	*2 day susp	*3 day susp	*4 day susp
Grades 6-12	*1-3 day susp	*4-5 day susp	*5-10 day susp	expulsion
5. Burglary - Entering a building or computer system without consent and with intent to commit a crime, or entering a building or computer system without consent and committing a crime.				
Grades k-5	parent conference	1 day susp	3 day susp	5 day susp
Grades 6-12	5 day susp	expulsion		
6. Trespassing - Being present in any district facility or portion of a district facility when it is closed to the public, or unauthorized presence in a district vehicle. (Includes unauthorized entrance into a computer system.)				
Grades 3-5	parent conference	1 day susp	2 day susp	3 day susp
Grades 6-12	3 day susp	5 day susp	5-10 day susp	

**V. Substance and Tobacco Use**

Any student committing an offense under substance and tobacco use will be required to meet with the appropriate support staff. Parents will be invited to the meeting.

1. Alcohol or Chemicals, Possession or Use - Possessing or using any narcotic, inhalants, or controlled substance where possession or use is prohibited by MN or federal law. (Any prescription medication a student is required to take, with the exception of prescribed inhalers, must be left with and administered by the school nurse, in accordance with district administrative regulations.) (see 2.1.4)

Grades k-2	parent conference	1 day susp	2 day susp	3 day susp
Grades 3-5	1 day susp	3 day susp	5 day susp	expulsion
Grades 6-12	*3-5 day susp	*5-10 day susp	expulsion	

2. Alcohol, Distribute or possession with the intent to distribute alcohol where sale or distribution is prohibited by MN or federal law. (see 2.1.4)

Grades k-5	3 day susp	5 day susp	expulsion	
Grades 6-12	expulsion			

3. Chemicals, Distributing or possessing with the intent to distribute any narcotic, inhalants or controlled substance including prescription drugs when sale or distribution is prohibited by MN or federal law. (see 2.1.4)

Grades k-5	*3 day susp	*5 day susp	expulsion	
Grades 6-12	expulsion			

4. Tobacco, Possessing or using tobacco in district buildings, on district grounds, in district vehicles or at district events, in violation of district administrative regulations.

Grades k-5	parent conference	1 day susp	2 day susp	3 day susp
Grades 6-12	*1 day susp	*2 day susp	*3 day susp	*5 day susp

5. Drug Paraphernalia - Possessing drug paraphernalia in district buildings, on district grounds, in district vehicles or at district events.

Grades k-5	parent conference	1 day susp	2 day susp	3 day susp
Grades 6-12	1 day susp	2 day susp	3 day susp	5 day susp

6. Possession with intent to distribute over-the-counter medication in district buildings, in district vehicles, or at district events, in violation of district administrative regulations.

Grades k-5	parent conference	1 day susp	2 day susp	3 day susp
Grades 6-12	*1-3 day susp	*1-5 day susp	*3-5 day susp	5-10 day susp

**VI. Technology and Telecommunication Misuse**

- Misuse of equipment (personal or district-owned), deletion or violation of password-protected files, computer programs, data, or system files; inappropriate accessing of files; unethical use of information or violation of copyright laws; accessing, uploading, printing, or distributing pornographic, obscene, abusive, or sexually explicit material; transmitting obscene, abusive, or sexually explicit language; vandalizing, damaging, or disabling the property of another person or organization; unauthorized commercial use or financial gain of the user is prohibited. Improper use may result in the loss of use of equipment. If the conduct at issue constitutes a violation of the harassment, racial, sexual, religious, or sexual orientation provisions, the consequences provided hereunder will be applied.

Grades k-5	parent conference	1 day susp	2 day susp	3 day susp
Grades 6-12	*1 day susp	*2 day susp	*3 day susp	5 day susp/expulsion

## APPENDIX

### State Statutes

**M.S. 120.101, Subd. 4 School:** (M.S., Section 120.101, Subd. 4)... a “school” means a public school, as defined in section 120.05, or a nonpublic school, church or religious organization, or home-school in which a child is provided instruction in compliance with sections 120.101 and 120.102.

**M.S. 121.A.41, Subd. 4. Exclusion:** “Exclusion” means an action taken by the school board to prevent enrollment or re-enrollment of a pupil for period that shall not extend beyond the school year.

**M.S. 121A.41, 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.

**M.S. 121.44. Firearms Expulsion:** A school board must expel for one year a pupil who is determined to have brought a firearm to school. The expulsion may, however, be modified on a case-by-case basis.

**M.S. 123.801:** “Transportation by school bus is a privilege not a right for an eligible student. A student’s eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline policy. Revocation of a student’s bus riding privilege is not exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with disabilities under the Individuals with Disabilities Act, Section 504 or the Rehabilitation Act and the Americans with Disabilities Act are governed by the acts provisions.”

**M.S. 121A.41, 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 re-admission plan. The re-admission plan shall include, where appropriate, a provision for implementing alternative educational services upon re-admission and may not be used to extend the current suspension. Consistent with section 125A.09, subdivision 3, the re-admission plan must not obligate a parent to provide a sympathomimetic medication for the parent’s child as a condition of re-admission. 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 days. In the case of a student with a disability, the student’s Individual Education Plan team must meet immediately but not more than ten school days after the date on which the decision to remove the student from the student’s current education placement is made. The Individual Education Plan team shall at that meeting: conduct a review of the relationship between the child’s disability and the behavior subject to disciplinary action; and determine the appropriateness of the child’s education plan.

The requirement of the individual education plan team meeting apply when:

- (1) the parent requests a meeting;
- (2) the student is removed from the student’s current placement for five or more consecutive days; or
- (3) the student’s total days of removal from the student’s placement during the school year exceed ten cumulative days in a school year.

The school administration shall implement alternative educational services when the suspension exceeds five days. A separate administrative conference is required for each period of suspension.

**Agreement in Lieu of Expulsion for Incidents Pertaining to Possession of Dangerous Weapons or Firearms:** Beginning with the 2011-2012 school year, the Bemidji Area Schools have added a new alternative to a formal expulsion which, in the past, the school board has always acted on. This new alternative provides a student and his/her family the alternative to accept an “Agreement in Lieu of Expulsion” for offenses that involve dangerous weapons, firearms, fights and/or assaults, and prescription drugs. The school board has specifically followed M.S. 121A.44 for the definition of dangerous weapons. However, new legislative language of 2010 gives a new definition to dangerous weapons in M.S. 609.02, Subd. 6, defining a dangerous weapon as, “any firearm, whether loaded or unloaded, or any device designed as a weapon and capable or producing death or great bodily harm, or 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, or any fire that is used to produce death or great bodily harm.” This section to also include: razor blades, straight razors, and all knives of two and one-half inches in length or more, and all other weapons in Section B, but not limited to these.

**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.

**M.S. 121A.44. Firearms Expulsion:** (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 purpose 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.

**M.S. 121A.42: Exclusion and expulsion of pupils with a disability.** When a pupil who has an Individual Education Plan is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the pupil’s disability, the district shall continue to provide special education and related services after a period of suspension, if suspension is imposed. The district shall initiate a review of the pupil’s Individual Education Plan and conduct a review of the relationship between the pupil’s disability and the behavior subject to disciplinary action and determine the appropriateness of the pupil’s education plan before commencing an expulsion or exclusion.

**M.S. 626.556: Reporting Maltreatment of Minors.** SBR 700-90-3 based on M.S. 626.556 requires that a person who knows or has reason to believe a child is being neglected or physically or sexually abused within the last preceding three years, shall immediately report the information to the human services agency, police department, or the county sheriff where the child resides if the person is: 1) A professional or professional’s delegate who is engaged in the practice of healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement; or 2) Employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged.

**School Board Policy 700-40-3: Student Personnel - School District Involvement with the Police.** If the school makes a formal request for outside law enforcement intervention or outside law enforcement requests to have contact with a student, the school will make reasonable efforts to contact parent(s) or guardian(s) prior to such contact, depending on the urgency of the situation. Parents or guardians will be informed of their right to be present during questioning of the student. In cases where parents or guardians cannot be reached, the principal will use his/her discretion with respect to proceeding without parental contact, taking into account the severity and urgency of the situation. If the principal acts without parental consent, he/she will make a reasonable effort to notify the superintendent of schools or his/her designee, preferably in advance of any police involvement.

In cases when a student is out of control or is a potential danger to self or others, the principal will make a judgment about the necessity for the immediate involvement of police or medical personnel.

**Employee Interaction with Students:** All district employees are expected to deal with the students in a firm, fair and consistent fashion, to treat all students with respect and to recognize individual differences among students.

**Victims of Violence:** Victims of violence should be provided the opportunity to talk with personnel who can address concerns they may have and inform them that the behaviors of the perpetrators are being addressed. Prevention of further violence toward victims needs to be given close attention. Laws relating to confidentiality must be observed when dealing with all students.

**Expulsion and Exclusion Hearings:** Expulsion and exclusion hearings shall be conducted by an independent, impartial hearing officer (unless determined otherwise by the school board) and recommendations made to the school board and served upon the parties within two days of the end of the hearing. The school board has final authority regarding expulsion or exclusion of a student from school and shall render its decision within five days of receiving the recommendation of the hearing officer.

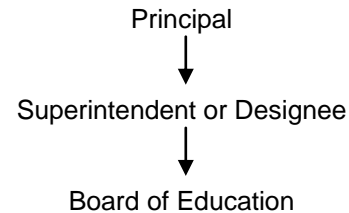
**M.S.121A.64:** Notification of staff regarding students with histories of violent behavior refer to SBR 700-40-7

## APPEAL PROCESS

Students who are concerned about a specific disciplinary action or student conduct violation may consult with their parents, teachers, and/or student support services staff (counselors, psychologists, etc.) to informally resolve the concern. If the concern cannot be resolved using these informal channels, students and parents or guardians may appeal their concerns through the channels listed in the appeals process shown below. (Students, parents and guardians are expected to appeal concerns in the order indicated by the arrows.)

In cases involving transporting students, the Transportation Coordinator should be involved with the principal in the appeal process.

### Appeals Process (Grades K-12)



Appeals regarding expulsion or exclusion decisions may be made under M.S. 121A.40 to 121A.56 to the Commissioner of Education at the Minnesota Department of Education.

This policy was created with the involvement of Bemidji Area Schools residents including: parents, students, educators and other citizens. With involvement of representatives of this population, it is reviewed and updated annually. All changes to the policy require School Board approval.