

FIT Academy

506 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the FIT Academy's (FIT) expectations for student conduct. Such compliance will enhance FIT's ability to maintain discipline and ensure that there is no interference with the educational process. FIT will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT OF POLICY

The Board of Director's (BOD) recognizes that individual responsibility and mutual respect are essential components of the educational process. The BOD further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of FIT is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the BOD, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of FIT.

III. AREAS OF RESPONSIBILITY

- A. The Board of Directors (BOD). The BOD holds all school personnel responsible for the maintenance of order within FIT and supports all personnel acting within the framework of this discipline policy.
- B. Executive director. The executive director shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The executive director shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the BOD for approval and shall be attached as an addendum to this policy. The executive director is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final BOD approval. The executive director shall give direction and support to all school personnel performing their duties within the framework of this policy. The executive director shall consult with parents of students conducting themselves in a manner contrary to the policy. The executive director shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A executive director, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. The executive director may designate staff to enforce school disciplinary policies and procedures that do not reach the level of suspension.
- C. Dean of Students. The dean of students shall be responsible for the daily oversight of student behavior and shall serve as the executive director's designee in dealing with student issues that are not deemed of a serious nature requiring school suspension as outlined in school policy. The dean shall consult with the executive director in all matters deemed serious enough to possibly qualify for suspension or matters that are considered to be of a serious nature.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- E. Other Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the executive director. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

- F. Parents or Legal Guardians.** Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children. Parents are expected to provide contact information and update information allowing the school to establish communication with parents as soon as possible when necessary. Parents are expected to return emergency messages from school within the span on one hour or provide an emergency contact person able to do so.
- G. Students.** All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- H. Community Members.** Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

IV. STUDENT RIGHTS

All students have the right to an education and the right to learn.

V. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A.** For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B.** To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C.** To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D.** To make necessary arrangements for making up work when absent from school;
- E.** To assist the school staff in maintaining a safe school for all students;
- F.** To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G.** To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H.** To be aware of and comply with federal, state, and local laws;
- I.** To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;

- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

VI. CODE OF STUDENT CONDUCT

- A. Any student who engages in behavior that is unlawful or goes against school policy shall be subject to school discipline. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for FIT purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. FIT property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, FIT does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of FIT or the safety or welfare of the student, other students, or employees.

VII. DISCIPLINARY ACTION OPTIONS

The general policy of FIT is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of FIT. At a minimum, violation of FIT rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. FIT shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by FIT. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, Executive director, counselor, or other FIT personnel, and verbal warning;
- B. Confiscation by FIT personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any FIT policy, rule, regulation,

procedure, or state or federal law. If confiscated by FIT, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.

- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by FIT.

VII. REMOVAL OF STUDENTS FROM CLASS

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning

detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, Executive director, or other FIT employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy. Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including FIT employees, the student or other students, or the property of the school;
3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy deemed severe enough to warrant removal; or
4. Other conduct which, in the discretion of the teacher or administration, requires removal of the student from class. Any removal of activity beyond one activity period must be approved by the school director or dean of students.

B. If a student is removed from class more than ten (10) times in a school year, FIT shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.

C. Procedures for the Removal and the Custody of a Student Removed From Class

1. A student removed from class is the responsibility of the executive director or dean of students once they receive notice from the teacher that the student has been removed from the class.
2. A student removed from class must report directly to the executive director or dean's office and inform the office employees of his/her arrival. Prior to the student's removal, the teacher or district employee will inform the office of the student's removal, the reason for the removal, and the time of the removal.
3. The teacher will determine if the student requires a school employee to accompany him/her to the office, and, if so, make the necessary arrangements.

D. Procedures for the Return of a Student to a Class from Which the Student Was Removed.

1. The executive director or dean of students will complete the appropriate follow-up disciplinary actions and school documentation with the student.
2. The executive director or dean of students will re-admit the student pursuant to a readmission plan.

E. Procedures for Notification

1. The executive director or dean of students will determine if parent/guardian notification is needed. If notification is deemed appropriate; it can be either in written form or by telephone. Additional discussion will occur concerning length of suspension from class, work to be made up, and further consequences. Notifications will comply with the Pupil Fair Dismissal Act.

F. Disabled Students; Special Provisions

1. Special provisions are made for students with a disability or an IEP. Provisions include input from the case manager and other assessments deemed necessary which may be requested by the executive director or dean of students.

G. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises

1. The executive director and employees will follow FIT policy 417 – Chemical Use and Abuse.

H. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct

1. Students who do not comply with the rules and regulations of FIT will face appropriate consequences. Consequences may range from a single reminder, to detention, suspension or expulsion. The severity of the consequence will depend upon the degree and frequency of the student's behavior.

I. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.

1. Parents are encouraged to visit the school often and communicate with their child's teacher. Parents will be notified of their child's behavior and progress via conferences, phone calls, email or written communication from the school.

J. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems

1. Administrators, school employees, and teachers will develop a plan of intervention for students who are showing signs of at-risk behavior. Interventions are modified as needed after this point.

IX. DISMISSAL

- A.** "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class. FIT shall not deny due process or equal protection of the law to any student

involved in a dismissal proceeding which may result in suspension, exclusion or expulsion. FIT shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

- B.** Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:
1. Willful violation of any reasonable BOD regulation, including those found in this policy;
 2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
 3. Willful conduct that endangers the student or other students, or surrounding persons, including FIT employees, or property of the school.

C. Suspension Procedures

1. "Suspension" means an action by the Executive director, under rules promulgated by the BOD, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the executive director with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, FIT shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, may arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to

- progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.
4. The executive director shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
 5. The executive director shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
 6. After the executive director notifies a student of the grounds for suspension, the executive director may, instead of imposing the suspension, do one or more of the following:
 - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
 - b. at the Executive Director's recommendation, assign the student to attend school on Saturday as supervised by the director's designee.
 - c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
 7. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)
 8. The executive director shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
 9. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
 10. Notwithstanding the foregoing provisions, the student may be suspended pending the BOD's decision in an expulsion or exclusion proceeding, provided that alternative

educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. “Expulsion” means a BOD action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the BOD.
2. “Exclusion” means an action taken by the BOD to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the BOD.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of FIT’s intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student’s own choosing, including legal counsel at the hearing; (2) examine the student’s records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. FIT shall advise the student’s parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by FIT, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. FIT shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student’s own choosing, including legal counsel, at the student’s sole expense. FIT shall advise the student’s parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The BOD may appoint an attorney to represent FIT in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student’s records.

11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by FIT. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all FIT records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any FIT employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for FIT.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the BOD and served upon the parties within two (2) days after the close of the hearing.
17. The BOD shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The BOD may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the BOD 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 (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the BOD may appeal the decision to the Commissioner within twenty-one (21) calendar days of BOD action pursuant to Minn. Stat. § 121A.49. The decision of the BOD shall be implemented during the appeal to the Commissioner.
19. FIT shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. FIT must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in FIT.

X. ADMISSION OR READMISSION PLAN

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission

XI. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, executive director or other FIT official may provide additional notification as deemed appropriate.

XII. STUDENT DISCIPLINE RECORDS

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

XIII. DISABLED STUDENTS

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

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (1) caused by or had a direct and substantial relationship to the child's disability and (2) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, FIT will proceed with discipline—up to and including expulsion—as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that FIT had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

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

XIV. DISTRIBUTION OF POLICY

FIT will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in the executive director's office.

XVI. REVIEW OF POLICY

The executive director and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the executive director for consideration by the BOD, which shall conduct an annual review of this policy.

- Legal References:**
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 - Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
 - Minn. Stat. § 120B.232 (Character Development Education)
 - Minn. Stat. § 121A.26 (School Pre-assessment Teams)
 - Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
 - Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
 - Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
 - Minn. Stat. § 121A.582 (Reasonable Force)
 - Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)
 - Minn. Stat. § 123A.05 (Area Learning Center Organization)
 - Minn. Stat. § 124D.03 (Enrollment Options Program)
 - Minn. Stat. § 124D.08 (Enrollment in Nonresident District)
 - Minn. Stat. Ch.125A (Students With Disabilities)
 - Minn. Stat. Ch. 260A (Truancy)
 - Minn. Stat. Ch. 260C (Juvenile Court Act)
 - 20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)
 - 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
 - 34 C.F.R. § 300.530(e)(1) (Manifestation Determination)
- Cross References:**
- FIT Policy 413 (Harassment and Violence)
 - FIT Policy 501 (School Weapons)
 - FIT Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
 - FIT Policy 503 (Student Attendance)
 - FIT Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)

Approved: 3/20/2019

Revised: _____

FIT Policy 514 (Bullying Prohibition Policy)

FIT Policy 524 (Internet Acceptable Use and Safety Policy)

FIT Policy 525 (Violence Prevention)

FIT Policy 526 (Hazing Prohibition)

FIT Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

FIT Policy 532 (Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds)

FIT Policy 610 (Field Trips)

FIT Policy 709 (Student Transportation Safety Policy)

FIT Policy 711 (Video Recording on School Buses)

FIT Policy 712 (Video Surveillance Other Than on Buses)

FIT Academy

506 STUDENT DISCIPLINE

I. PURPOSE

The purpose of this policy is to ensure that students are aware of and comply with the FIT Academy's (FIT) expectations for student conduct. Such compliance will enhance FIT's ability to maintain discipline and ensure that there is no interference with the educational process. FIT will take appropriate disciplinary action when students fail to adhere to the Code of Student Conduct established by this policy.

II. GENERAL STATEMENT OF POLICY

The Board of Director's (BOD) recognizes that individual responsibility and mutual respect are essential components of the educational process. The BOD further recognizes that nurturing the maturity of each student is of primary importance and is closely linked with the balance that must be maintained between authority and self-discipline as the individual progresses from a child's dependence on authority to the more mature behavior of self-control.

All students are entitled to learn and develop in a setting which promotes respect of self, others, and property. Proper positive discipline can only result from an environment which provides options and stresses student self-direction, decision-making, and responsibility. Schools can function effectively only with internal discipline based on mutual understanding of rights and responsibilities.

Students must conduct themselves in an appropriate manner that maintains a climate in which learning can take place. Overall decorum affects student attitudes and influences student behavior. Proper student conduct is necessary to facilitate the education process and to create an atmosphere conducive to high student achievement.

Although this policy emphasizes the development of self-discipline, it is recognized that there are instances when it will be necessary to administer disciplinary measures. The position of FIT is that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience. This discipline policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56.

In view of the foregoing and in accordance with Minn. Stat. § 121A.55, the BOD, with the participation of school district administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of FIT.

III. AREAS OF RESPONSIBILITY

- A. The Board of Directors (BOD). The BOD holds all school personnel responsible for the maintenance of order within FIT and supports all personnel acting within the framework of this discipline policy.
- B. Executive director. The executive director shall establish guidelines and directives to carry out this policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The executive director shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the BOD for approval and shall be attached as an addendum to this policy. The executive director is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final BOD approval. The executive director shall give direction and support to all school personnel performing their duties within the framework of this policy. The executive director shall consult with parents of students conducting themselves in a manner contrary to the policy. The executive director shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents. A executive director, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. The executive director may designate staff to enforce school disciplinary policies and procedures that do not reach the level of suspension.
- C. Dean of Students. The dean of students shall be responsible for the daily oversight of student behavior and shall serve as the executive director's designee in dealing with student issues that are not deemed of a serious nature requiring school suspension as outlined in school policy. The dean shall consult with the executive director in all matters deemed serious enough to possibly qualify for suspension or matters that are considered to be of a serious nature.
- D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- E. Other Personnel. All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the executive director. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

- F. Parents or Legal Guardians.** Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children. Parents are expected to provide contact information and update information allowing the school to establish communication with parents as soon as possible when necessary. Parents are expected to return emergency messages from school within the span on one hour or provide an emergency contact person able to do so.
- G. Students.** All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.
- H. Community Members.** Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.

IV. STUDENT RIGHTS

All students have the right to an education and the right to learn.

V. STUDENT RESPONSIBILITIES

All students have the responsibility:

- A.** For their behavior and for knowing and obeying all school rules, regulations, policies, and procedures;
- B.** To attend school daily, except when excused, and to be on time to all classes and other school functions;
- C.** To pursue and attempt to complete the courses of study prescribed by the state and local school authorities;
- D.** To make necessary arrangements for making up work when absent from school;
- E.** To assist the school staff in maintaining a safe school for all students;
- F.** To be aware of all school rules, regulations, policies, and procedures, including those in this policy, and to conduct themselves in accord with them;
- G.** To assume that until a rule or policy is waived, altered, or repealed, it is in full force and effect;
- H.** To be aware of and comply with federal, state, and local laws;
- I.** To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;

- J. To respect and maintain the school's property and the property of others;
- K. To dress and groom in a manner which meets standards of safety and health and common standards of decency and which is consistent with applicable school district policy;
- L. To avoid inaccuracies in student newspapers or publications and refrain from indecent or obscene language;
- M. To conduct themselves in an appropriate physical or verbal manner; and
- N. To recognize and respect the rights of others.

VI. CODE OF STUDENT CONDUCT

- A. Any student who engages in behavior that is unlawful or goes against school policy shall be subject to school discipline. This policy applies to all school buildings, school grounds, and school property or property immediately adjacent to school grounds; school-sponsored activities or trips; school bus stops; school buses, school vehicles, school contracted vehicles, or any other vehicles approved for FIT purposes; the area of entrance or departure from school premises or events; and all school-related functions, school-sponsored activities, events, or trips. FIT property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, FIT does not represent that it will provide supervision or assume liability at these locations and events. This policy also applies to any student whose conduct at any time or in any place interferes with or obstructs the mission or operations of FIT or the safety or welfare of the student, other students, or employees.

VII. DISCIPLINARY ACTION OPTIONS

The general policy of FIT is to utilize progressive discipline to the extent reasonable and appropriate based upon the specific facts and circumstances of student misconduct. The specific form of discipline chosen in a particular case is solely within the discretion of FIT. At a minimum, violation of FIT rules, regulations, policies, or procedures will result in discussion of the violation and a verbal warning. FIT shall, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by FIT. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, Executive director, counselor, or other FIT personnel, and verbal warning;
- B. Confiscation by FIT personnel and/or by law enforcement of any item, article, object, or thing, prohibited by, or used in the violation of, any FIT policy, rule, regulation,

procedure, or state or federal law. If confiscated by FIT, the confiscated item, article, object, or thing will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.

- C. Parent contact;
- D. Parent conference;
- E. Removal from class;
- F. In-school suspension;
- G. Suspension from extracurricular activities;
- H. Detention or restriction of privileges;
- I. Loss of school privileges;
- J. In-school monitoring or revised class schedule;
- K. Referral to in-school support services;
- L. Referral to community resources or outside agency services;
- M. Financial restitution;
- N. Referral to police, other law enforcement agencies, or other appropriate authorities;
- O. A request for a petition to be filed in district court for juvenile delinquency adjudication;
- P. Out-of-school suspension under the Pupil Fair Dismissal Act;
- Q. Preparation of an admission or readmission plan;
- R. Saturday school;
- S. Expulsion under the Pupil Fair Dismissal Act;
- T. Exclusion under the Pupil Fair Dismissal Act; and/or
- U. Other disciplinary action as deemed appropriate by FIT.

VII. REMOVAL OF STUDENTS FROM CLASS

- A. Teachers have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, assigning

detention or other consequences, or contacting the student's parents. When such measures fail, or when the teacher determines it is otherwise appropriate based upon the student's conduct, the teacher shall have the authority to remove the student from class pursuant to the procedures established by this discipline policy. "Removal from class" and "removal" mean any actions taken by a teacher, Executive director, or other FIT employee to prohibit a student from attending a class or activity period for a period of time not to exceed five (5) days, pursuant to this discipline policy. Grounds for removal from class shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;
 2. Willful conduct that endangers surrounding persons, including FIT employees, the student or other students, or the property of the school;
 3. Willful violation of any school rules, regulations, policies or procedures, including the Code of Student Conduct in this policy deemed severe enough to warrant removal; or
 4. Other conduct which, in the discretion of the teacher or administration, requires removal of the student from class. Any removal of activity beyond one activity period must be approved by the school director or dean of students.
- B.** If a student is removed from class more than ten (10) times in a school year, FIT shall notify the parent or guardian of the student's tenth removal from class and make reasonable attempts to convene a meeting with the student's parent or guardian to discuss the problem that is causing the student to be removed from class.
- C.** Procedures for the Removal and the Custody of a Student Removed From Class
1. A student removed from class is the responsibility of the executive director or dean of students once they receive notice from the teacher that the student has been removed from the class.
 2. A student removed from class must report directly to the executive director or dean's office and inform the office employees of his/her arrival. Prior to the student's removal, the teacher or district employee will inform the office of the student's removal, the reason for the removal, and the time of the removal.
 3. The teacher will determine if the student requires a school employee to accompany him/her to the office, and, if so, make the necessary arrangements.
- D.** Procedures for the Return of a Student to a Class from Which the Student Was Removed.
1. The executive director or dean of students will complete the appropriate follow-up disciplinary actions and school documentation with the student.
 2. The executive director or dean of students will re-admit the student pursuant to a readmission plan.
- E.** Procedures for Notification

1. The executive director or dean of students will determine if parent/guardian notification is needed. If notification is deemed appropriate; it can be either in written form or by telephone. Additional discussion will occur concerning length of suspension from class, work to be made up, and further consequences. Notifications will comply with the Pupil Fair Dismissal Act.

F. Disabled Students; Special Provisions

1. Special provisions are made for students with a disability or an IEP. Provisions include input from the case manager and other assessments deemed necessary which may be requested by the executive director or dean of students.

G. Procedures for Detecting and Addressing Chemical Abuse Problems of Students While on School Premises

1. The executive director and employees will follow FIT policy 417 – Chemical Use and Abuse.

H. Procedures for Immediate and Appropriate Interventions Tied to Violations of the Code of Student Conduct

1. Students who do not comply with the rules and regulations of FIT will face appropriate consequences. Consequences may range from a single reminder, to detention, suspension or expulsion. The severity of the consequence will depend upon the degree and frequency of the student's behavior.

I. Any Procedures Determined Appropriate for Encouraging Early Involvement of Parents or Guardians in Attempts to Improve a Student's Behavior.

1. Parents are encouraged to visit the school often and communicate with their child's teacher. Parents will be notified of their child's behavior and progress via conferences, phone calls, email or written communication from the school.

J. Any Procedures Determined Appropriate for Encouraging Early Detection of Behavioral Problems

1. Administrators, school employees, and teachers will develop a plan of intervention for students who are showing signs of at-risk behavior. Interventions are modified as needed after this point.

IX. DISMISSAL

- A.** "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion and suspension. Dismissal does not include removal from class. FIT shall not deny due process or equal protection of the law to any student

involved in a dismissal proceeding which may result in suspension, exclusion or expulsion. FIT shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

B. Violations leading to suspension, based upon severity, may also be grounds for actions leading to expulsion, and/or exclusion. A student may be dismissed on any of the following grounds:

1. Willful violation of any reasonable BOD regulation, including those found in this policy;
2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or
3. Willful conduct that endangers the student or other students, or surrounding persons, including FIT employees, or property of the school.

C. Suspension Procedures

1. "Suspension" means an action by the Executive director, under rules promulgated by the BOD, prohibiting a student from attending school for a period of no more than ten (10) school days; provided, however, if a suspension is longer than five (5) school days, the suspending administrator shall provide the executive director with a reason for the longer term of suspension. This definition does not apply to dismissal for one (1) school day or less where a student with a disability does not receive regular or special education instruction during that dismissal period.
2. If a student's total days of removal from school exceed ten (10) cumulative days in a school year, FIT shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian before subsequently removing the student from school and, with the permission of the parent or guardian, may arrange for a mental health screening for the student at the parent or guardian's expense. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the student assessed or diagnosed to determine whether the student needs treatment for a mental health disorder.
3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A child with a disability may be suspended. When a child with a disability has been suspended for more than five (5) consecutive days or ten (10) cumulative school days in the same year, and that suspension does not involve a recommendation for expulsion or exclusion or other change in placement under federal law, relevant members of the child's IEP team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to

- progress toward meeting the goals in the child's IEP. That meeting must occur as soon as possible, but no more than ten (10) days after the sixth (6th) consecutive day of suspension or the tenth (10th) cumulative day of suspension has elapsed.
4. The executive director shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the pupil to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.
 5. The executive director shall not suspend a student from school without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension. At the informal administrative conference, a school administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present the student's version of the facts. A separate administrative conference is required for each period of suspension.
 6. After the executive director notifies a student of the grounds for suspension, the executive director may, instead of imposing the suspension, do one or more of the following:
 - a. strongly encourage a parent or guardian of the student to attend school with the student for one day;
 - b. at the Executive Director's recommendation, assign the student to attend school on Saturday as supervised by the director's designee.
 - c. petition the juvenile court that the student is in need of services under Minn. Stat. Ch. 260C.
 7. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56, shall be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent or guardian by mail within forty-eight (48) hours of the conference. (See attached sample Notice of Suspension.)
 8. The executive director shall make reasonable efforts to notify the student's parent or guardian of the suspension by telephone as soon as possible following suspension.
 9. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
 10. Notwithstanding the foregoing provisions, the student may be suspended pending the BOD's decision in an expulsion or exclusion proceeding, provided that alternative

educational services are implemented to the extent that suspension exceeds five (5) days.

D. Expulsion and Exclusion Procedures

1. “Expulsion” means a BOD action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the BOD.
2. “Exclusion” means an action taken by the BOD to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the school year. The authority to exclude rests with the BOD.
3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act, Minn. Stat. §§121A.40-121A.56.
4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent or guardian.
5. The student and parent or guardian shall be provided written notice of FIT’s intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act, Minn. Stat. §§ 121A.40-121A.56; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent or guardian of their right to: (1) have a representative of the student’s own choosing, including legal counsel at the hearing; (2) examine the student’s records before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. FIT shall advise the student’s parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested for good cause by FIT, student, parent, or guardian.
7. All hearings shall be held at a time and place reasonably convenient to the student, parent, or guardian and shall be closed, unless the student, parent, or guardian requests an open hearing.
8. FIT shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense.
9. The student shall have a right to a representative of the student’s own choosing, including legal counsel, at the student’s sole expense. FIT shall advise the student’s parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The BOD may appoint an attorney to represent FIT in any proceeding.
10. If the student designates a representative other than the parent or guardian, the representative must have a written authorization from the student and the parent or guardian providing them with access to and/or copies of the student’s records.

11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by FIT. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent or guardian, or authorized representative shall be given access to all FIT records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent or guardian, or authorized representative, shall have the right to compel the presence of any FIT employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for FIT.
14. The student, parent or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the BOD and served upon the parties within two (2) days after the close of the hearing.
17. The BOD shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The BOD may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation provided that neither party presents any evidence not admitted at the hearing. The decision by the BOD 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 (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion decision made by the BOD may appeal the decision to the Commissioner within twenty-one (21) calendar days of BOD action pursuant to Minn. Stat. § 121A.49. The decision of the BOD shall be implemented during the appeal to the Commissioner.
19. FIT shall report any suspension, expulsion or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. FIT must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative educational services given the student and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status. The dismissal report must include state student identification numbers of affected students.
21. Whenever a student fails to return to school within ten (10) school days of the termination of dismissal, a school administrator shall inform the student and his/her parent or guardian by mail of the student's right to attend and to be reinstated in FIT.

X. ADMISSION OR READMISSION PLAN

A school administrator shall prepare and enforce an admission or readmission plan for any student who is excluded or expelled from school. The plan may include measures to improve the student's behavior, including completing a character education program consistent with Minn. Stat. § 120B.232, Subd. 1, and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate parents to provide a sympathomimetic medication for their child as a condition of readmission

XI. NOTIFICATION OF POLICY VIOLATIONS

Notification of any violation of this policy and resulting disciplinary action shall be as provided herein, or as otherwise provided by the Pupil Fair Dismissal Act or other applicable law. The teacher, executive director or other FIT official may provide additional notification as deemed appropriate.

XII. STUDENT DISCIPLINE RECORDS

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

XIII. DISABLED STUDENTS

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

Before initiating an expulsion or exclusion of a student with a disability, relevant members of the child's IEP team and the child's parent shall, consistent with federal law, conduct a manifestation determination and determine whether the child's behavior was (1) caused by or had a direct and substantial relationship to the child's disability and (2) whether the child's conduct was a direct result of a failure to implement the child's IEP. If the student's educational program is appropriate and the behavior is not a manifestation of the student's disability, FIT will proceed with discipline—up to and including expulsion—as if the student did not have a disability, unless the student's educational program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that FIT had not conducted such assessment prior to the manifestation determination before the behavior that resulted in a change of placement. Where a behavioral intervention plan previously has been developed, the team will review the behavioral intervention plan and modify it as necessary to address the behavior.

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

XIV. DISTRIBUTION OF POLICY

FIT will notify students and parents of the existence and contents of this policy in such manner as it deems appropriate. Copies of this discipline policy shall be made available to all students and parents at the commencement of each school year and to all new students and parents upon enrollment. This policy shall also be available upon request in the executive director's office.

XVI. REVIEW OF POLICY

The executive director and representatives of parents, students and staff in each school building shall confer at least annually to review this discipline policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the executive director for consideration by the BOD, which shall conduct an annual review of this policy.

- Legal References:**
- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
 - Minn. Stat. § 120B.02 (Educational Expectations for Minnesota Students)
 - Minn. Stat. § 120B.232 (Character Development Education)
 - Minn. Stat. § 121A.26 (School Pre-assessment Teams)
 - Minn. Stat. § 121A.29 (Reporting; Chemical Abuse)
 - Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
 - Minn. Stat. § 121A.575 (Alternatives to Pupil Suspension)
 - Minn. Stat. § 121A.582 (Reasonable Force)
 - Minn. Stat. §§ 121A.60-121A.61 (Removal From Class)
 - Minn. Stat. § 123A.05 (Area Learning Center Organization)
 - Minn. Stat. § 124D.03 (Enrollment Options Program)
 - Minn. Stat. § 124D.08 (Enrollment in Nonresident District)
 - Minn. Stat. Ch.125A (Students With Disabilities)
 - Minn. Stat. Ch. 260A (Truancy)
 - Minn. Stat. Ch. 260C (Juvenile Court Act)
 - 20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)
 - 29 U.S.C. § 794 *et seq.* (Rehabilitation Act of 1973, § 504)
 - 34 C.F.R. § 300.530(e)(1) (Manifestation Determination)
- Cross References:**
- FIT Policy 413 (Harassment and Violence)
 - FIT Policy 501 (School Weapons)
 - FIT Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
 - FIT Policy 503 (Student Attendance)
 - FIT Policy 505 (Distribution of Nonschool-Sponsored Materials on School Premises by Students and Employees)

Approved: 11/18/2020

Revised: _____

FIT Policy 514 (Bullying Prohibition Policy)
FIT Policy 524 (Internet Acceptable Use and Safety Policy)
FIT Policy 525 (Violence Prevention)
FIT Policy 526 (Hazing Prohibition)
FIT Policy 527 (Student Use and Parking of Motor Vehicles; Patrols,
Inspections, and Searches)
FIT Policy 532 (Use of Peace Officers and Crisis Teams to Remove
Students with IEPs from School Grounds)
FIT Policy 610 (Field Trips)
FIT Policy 709 (Student Transportation Safety Policy)
FIT Policy 711 (Video Recording on School Buses)
FIT Policy 712 (Video Surveillance Other Than on Buses)