

Prairie Creek Community School **Behavior Policy**

Purpose

The purpose of this policy is to ensure that students are aware and comply with Prairie Creek Community School's (PCCS) expectation for student conduct. Such compliance will enhance the school's ability to maintain discipline and ensure that there is no interference with the educational process.

Statement of Philosophy

At Prairie Creek Community School, children are given the opportunity from their earliest days at the school to begin to develop self-discipline and independence. The goal is for each child to be intrinsically motivated to show self-control. Children are taught that there are logical consequences for their actions and that the freedom they experience at the school must be balanced by responsibility on their part.

All disciplinary actions shall be processed pursuant to PCCS's discipline policy and the requirements of the Minnesota Pupil Fair Dismissal Act. Any student who violates a school policy or rule may be subjected to the consequence established in the student handbook (below).

Definitions

"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 under certain circumstances in an alternative learning center, although in a different setting.

"Dismissals" means dismissing a student from school or for one school day or less.

"Exclusion" means an action taken by a School Board to prevent enrollment or re-enrollment of a pupil for a period which shall not extend beyond the school year.

"Expulsion" means an action taken by the School Board to prohibit an enrolled pupil from further attendance for a period that shall not extend beyond an amount of time equal to one school year from the date student is expelled.

"School location" includes a school building, school grounds, school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the areas of entrance or departure from school premises or events, and all school related functions.

“School personnel” means any person employed or under the direction/assignment of school personnel and who is acting within the scope of their employment.

“Suspension” means an action taken by the school administration, under the district’s discipline policy, which prohibits a pupil from attending school for more than one day but for 10 days or less. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a pupil with a disability (see below). The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct or incident, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days. In the case of suspension pending an expulsion or exclusion hearing, alternative educational services must be provided to the extent that the suspension exceeds 5 days.

- A. “Suspension of a pupil with a Disability” means that when a child with a disability has been suspended for more than five consecutive school days or ten cumulative school days in the same school year, members of the pupil’s individualized education team shall meet to determine the extent to which the child needs services while suspended. The meeting must occur no more than 10 days after the sixth consecutive day of suspension or the tenth cumulative say of suspension. A child with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.

Areas of Responsibility

- A. The Board. The board holds all school personnel responsible for the maintenance of order within the school and supports all personnel acting within the framework of this discipline policy.
- B. School Director. The Director may 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 Director may also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives should be established to implement this policy shall be submitted to the board for approval and shall be attached as an addendum to this policy. The Director may consult with parents of students conducting themselves in a manner contrary to this policy. The Director may also involve other professional employees in the disposition of the behavior referrals and shall make use of those agencies appropriate for assisting students and parents.
- C. Teachers. All teachers will be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate support from administration. All teachers shall hold students responsible to the Code of Student Conduct.

- D. Other School Personnel. All school personnel will be responsible for contributing to the culture of mutual respect within the school. Their responsibilities relating to student behavior shall be authorized and directed by the Director.
- E. Parents or Legal Guardians. Parents and guardians may be held responsible for the behavior of their children as determined by law and community practice. Parents and guardians are expected to cooperate with school authorities and to participate regarding the behavior of their children.

Student Rights

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

Student Responsibilities

All students have the responsibility:

- A. For their own behavior and for knowing and following all school rules;
- B. To assist the school staff in maintaining a safe school for all students;
- C. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with school staff as appropriate;
- D. To respect and maintain the school's property and the property of others;
- E. To conduct themselves in an appropriate physical or verbal manner; and
- F. To recognize and respect the rights of others.

Student Code of Conduct

- A. This policy applies to all "school locations" as defined in this policy. This policy also applies in a student's conduct is sufficiently connected to the educational mission or duties of the school so as to obstruct the mission or the operations of the school, or the safety, rights, or welfare of the student, other students, or employees. This would include off campus behavior.
- B. The following are examples of unacceptable behavior subject to disciplinary action by the school. These examples are not intended to be an exhaustive list. Any student who engages in any of these activities will be disciplined in accordance with the progressive discipline philosophy discussed below.
 - 1. The use of profanity or obscene language, or possession of obscene materials;
 - 2. Violation of the school Hazing Policy;
 - 3. Opposition to authority using physical force or violence;
 - 4. Violation of the school's Weapons Policy;
 - 5. Fighting or assaultive behavior;
 - 6. Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, attack with a weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure;
 - 7. Verbal assaults, or verbally abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, and threatening ;

8. Other acts, as determined by the school, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school personnel or surrounding persons, or which violate the rights of others or which damage or endanger the property of the school, or which otherwise interferes with or obstructs the mission or operations of the school or the safety or welfare of the students or employees.

Disciplinary Action Options

It is the general policy of the school 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 the school. At a minimum, violation of school rules, regulations, policies or procedures will result in discussion of the violation and a verbal warning. The school may, however, impose more severe disciplinary sanctions for any violation, including exclusion or expulsion, if warranted by the student's misconduct, as determined by the school. Disciplinary action may include, but is not limited to, one or more of the following:

- A. Student conference with teacher, Director, or designated administrator, and verbal warning;
- B. Parent contact;
- C. Parent Conference;
- D. Removal from class;
- E. Loss of school privileges;
- F. Referral to police, other law enforcement agencies, or other appropriate authorities;
- G. Out-of-school suspension under the Pupil Fair Dismissal Act;
- H. Preparation of an admission or readmission plan;
- I. Expulsion under the Pupil Fair Dismissal Act;
- J. Exclusion under the Pupil Fair Dismissal Act;
- K. Other disciplinary action as deemed appropriate by the school.

Consequences will be imposed as consistently as possible under normal conditions. However, the administration reserves the right to use discretion when assigning disciplinary action if extenuating circumstances exist.

DAMAGE TO SCHOOL OR OTHERS' PROPERTY

Any student damaging school or others' property will be responsible to make restitution and/or restore the property to its original condition. Tampering with or unauthorized use of school property or the property of school personnel and/or others will be subject to disciplinary action at the discretion of the administration. Vandalism will be assigned a 1-5 day suspension, until a parent conference can be arranged, and possible referral to authorities. Multiple incidents will result in expulsion or referral to an alternative educational program.

DRUGS/CHEMICALS/TOBACCO/SMOKING

Any student in possession of or under the influence of drugs/chemicals/tobacco (including alcohol and abuse of prescription and/or over-the-counter drugs) or in possession of related paraphernalia:

- A. Parents will be called for a conference.
- B. Police may be summoned as per current statutes.
- C. Student will be sent home for the day (early dismissal).
- D. A 2nd offense will also include a 3 day suspension and the parents will be advised that a chemical evaluation is required prior to a return to school. If this is not done and verified by the Administration, it will be treated as a 3rd offense.
- E. Upon a 3rd offense the student may be referred to an alternative educational program.

Any student selling or distributing drugs/chemicals or possessing drugs/chemicals with the intent to sell or distribute will be immediately suspended from school, the police summoned, parents contacted, and recommended for expulsion or referral to an alternative educational program.

Electronic Devices

No electronic devices are to be brought to school. Examples of prohibited electronic devices are radios, mp3 players, compact disc players, walk-mans, beepers and cellular phones. Any electronic device will be confiscated and not returned until a parent comes in to claim the device and explain why it was present. PCCS understands families desire to have contact with their students via cellular phones. As such, PCCS will allow cellular phones to be on silent (no ring or vibration allowed) and secured in backpacks during time that students arrive on campus until school dismissal, or until afterschool programming in which the student is enrolled has concluded. Cellular phones in operation during the prohibited times will be confiscated as identified above. If families need to contact their student prior to school dismissal or the conclusion of afterschool programming, they should call the school office.

Fighting

Fighting (slapping, punching, etc.) is not tolerated. Justifying physical retaliation on the grounds that the other pushed or hit first is equally unacceptable. Any student who is fighting will be immediately removed from class and may be suspended for 1-3 days. A parent conference must be scheduled prior to returning to school. Multiple incidents will lead to a recommendation for expulsion or referral to an alternative educational program. Physical assault requiring medical attention must be reported to the criminal authorities for their determination of legal action.

Harassment/Abuse/Violence

Physical, emotional or sexually abusive behavior including psychological intimidation and harassment, will not be tolerated. Sexual, racial and religious violence is a criminal activity and will be reported to the authorities. A written report of the incident should be given to the Administrator within five days of the incident. All incidents will be investigated by the Administrator or designated personnel. Disciplinary consequences will be determined by the Administrator and may consist of a 1-5 day suspension. A parent conference will be required. Repeated offenses will lead to a recommendation for expulsion or referral to an alternative educational program.

Dismissal

The school shall not dismiss any student without attempting to provide alternative educational services before dismissal proceedings, except where it appears that the student will create immediate and substantial danger to self or to surrounding persons or property.

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:

- A. Willful conduct that significantly disrupts the rights of others to an education, the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or

- B. Willful conduct that endangers the student or other students, or surrounding persons, including school employees, or property of the school.

Willful violation of any reasonable board regulation, including those found in this policy;

Suspension Procedures and Rights:

1. Informal administrative conference. A student shall not be suspended from PCCS without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property, in which case the conference shall take place as soon as practicable following the suspension.
2. Notice. At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the pupil may present the pupil's version of the facts.
3. Written notice of grounds for suspension. A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a readmission plan, and a copy of sections 121A.40 to 121A.56 (the Pupil Fair Dismissal Act), 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 48 hours of the conference.
4. Notification of parents. PCCS shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.
5. Suspension pending expulsion or exclusion hearing. A student may be suspended pending the school board's decision in an expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.
6. Alternative to Pupil Suspension. After PCCS administration has notified a pupil of the grounds for suspension, instead of imposing the suspension, the administration may do one or more of the following:
 - A. Strongly encourage a parent or guardian of the pupil to attend school with the pupil for one day;
 - B. Petition the court that the student is in need of services under chapter 260C.

Admission or Readmission Plan

Admission or readmission plan for student suspensions:

1. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative educational services, which must not be used to extend the student's current suspension period. A readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. PCCS school officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of charge of child abuse, child neglect or medical or educational neglect.
2. Admission/readmission plans for expulsion or exclusion. PCCS administration 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 pupil's behavior, will require parent involvement and may indicate the consequences to the student of not improving student's behavior. A school administrator may prepare and enforce a readmission plan for any student who is suspended from school, but the plan must not be used to extend the pupil's suspension period or require the parents to provide psychotropic drugs to the pupil as a condition of readmission.

Procedures for Expulsion and Exclusion

1. Requiring a hearing; pupil may waive hearing. No exclusion or expulsion shall be imposed without a hearing, unless that right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the PCCS board or its agent.
2. Written notice. Written Notice of intent to take action shall:
 - A. Be served upon the pupil and the pupil's parent or guardian personally or by mail;
 - B. Contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
 - C. State the date, time, and place of the hearing;
 - D. Be accompanied by a copy of sections 121A.40 to 121A.56;
 - E. Describe alternative educational services accorded the pupil in an attempt to avoid the expulsion proceedings; and
 - F. Inform the pupil and parent or guardian of the right to:
 - a. Have a representative of the pupil's own choosing, including legal counsel, at the hearing. PCCS shall advise the pupil's parent or guardian that free or low cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education;

- b. Examine the pupil's records before the hearing;
 - c. Present evidence; and
 - d. Confront and cross-examine witnesses.
3. Hearing Schedule. The hearing shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school board, pupil, parent or guardian.
4. Convenient time and place of hearing. The hearing shall be at a time and place reasonably convenient to pupil, parent and guardian.
5. Closed or open hearing. The hearing shall be closed unless the pupil, parent or guardian requests an open hearing.
6. Impartial hearer. The hearing shall take place before an independent hearing officer. The hearing shall be conducted in a fair and impartial manner.
7. Creating hearing record. The school board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense. Testimony shall be given under oath. The hearing officer shall have the power to issue subpoenas and administer oaths.
8. Access to pupil's records. At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.
9. Pupil's right to compel testimony. The pupil, parent or guardian, or representative, shall have the right to compel the attendance of any official employee or agent of the public school system or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and to cross-examine any witness testifying for the public school system.
10. Pupil's right to present evidence and testimony. The pupil, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
11. Pupil not compelled to testify. The pupil cannot be compelled to testify in the dismissal proceedings.
12. Hearer's recommendation limited to evidence at hearing; service within two days. The recommendation of the hearing officer or school board member or committee shall be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.
13. Basis of school board decision; opportunity for comment. The school board shall base its decision upon the recommendation of the hearing officer or school board member or committee and shall render its decision at a meeting held within five days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations provided that neither party presents any evidence not admitted at the hearing. The decision by the school board must be based on the record, must be in writing, and must state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the commissioner of education of the basis and reason for the decision.

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

Student Discipline Records

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

Distribution of Policy

The school will notify students and parents of the existence and contents of this policy in such a manner as it deems appropriate. Copies of this policy shall be made available to all students and parents in the school handbook each year and to all new students and parents upon enrollment. This policy shall also be available upon request in the school office.