

Series Number 503.3AR Adopted December 1977 Revised July 2017

Title Student Behavior Expectations and Consequences for Misbehavior

## 1. Overview

- 1.1 The consequences for misbehavior described in this regulation are designed to be fair, firm and consistent for all students in District 196. They apply to District 196 k-12, early childhood and adult basic education (ABE) students in any school or other district building, on district property, in district vehicles, at school bus stops, and at school or district events.
- 1.2 Because it is not possible to list every misbehavior that occurs, misbehaviors not included in this regulation will be responded to as necessary by staff. This regulation is based on the assumption that minor misbehaviors are dealt with by bus drivers, chaperones, classroom teachers, counselors, administrators and other appropriate district staff.
  - 1.2.1 Cheating, lying, plagiarism, copyright violations and other “academic” misbehaviors will be dealt with in the context of the student’s classroom or cocurricular activities, and are not addressed in the following chart of misbehaviors.
  - 1.2.2 Students participating in cocurricular activities will also be expected to abide by the bylaws of the Minnesota State High School League, regardless of whether the particular activity is sponsored by the League.

## 2. Consequences

- 2.1 For each misbehavior described in this regulation, there are specific consequences for first, second, third and fourth violations; however, administrators may apply less severe consequences after considering intent and other extenuating circumstances. The definitions of those consequences, and other consequences for misbehavior, are as follows:
  - 2.1.1 “★” (elementary schools) – Student conference and parent or guardian notification; may include but is not limited to parent conference, restitution, peer mediation, adult-facilitated mediation, detention, in-school suspension and up to one-day, out-of-school suspension.

“★” (middle schools) – Student conference and parent or guardian notification; may include, but is not limited to, parent conference, parent shadow, restitution, detention and up to one-day, out-of-school suspension.

“★” (high schools) – Student conference and parent or guardian notification; may include, but is not limited to, parent conference, restitution, detention, one-day suspension from bus and up to one-day, out-of-school suspension.

- 2.1.2 There are optional consequences available in certain circumstances for students, including parent shadows for elementary and middle school students.
  - 2.1.2.1 Parent shadow (elementary school) – The principal may offer the “parent shadow” consequence (the parent or guardian to follow the student for half a day at school) to the student’s parent(s) or guardian(s) for any elementary student misbehavior that results in a one-day, out-of-school suspension, except for weapon possession, look-alike weapon possession, physical assault or fighting. The parent(s) or guardian(s) may then choose to accept or not accept the parent shadow consequence. Parent shadows will be expected to abide by the guidelines in Administrative Regulation 806AR, Visitors to Schools, and to complete the consequence within five school days of the incident.
  - 2.1.2.2 Parent shadow (middle school) – The principal may offer the “parent shadow” consequence (the parent or guardian to follow the student for half a day at school) to the student’s parent(s) or guardian(s) for any middle school student misbehavior that results in a ★ consequence. The parent(s) or guardian(s) may then choose to accept or not accept the parent shadow consequence. Parent shadows will be expected to abide by the guidelines in Administrative Regulation 806AR, Visitors to Schools, and to complete the consequence within five school days of the incident.
  - 2.1.2.3 Chemical Assessment (middle and high school) – Secondary students who violate certain rules regarding alcohol and chemicals may opt to have a lesser consequence if the student obtains a chemical assessment and adheres to the assessment recommendations. Assessment will be at the expense of the student’s parent(s) or guardian(s) (or the adult student, if age 18 or older). A release form must be signed by the student and student’s parent(s) or guardian(s) to share appropriate information with the school district.
  - 2.1.2.4 Mental Health Referral – Secondary students may be referred to community mental health resources on a case-by-case basis as appropriate. Assessment will be at the expense of the students’ parent(s) or guardian(s) or the adult student, if age 18 or older.
- 2.1.3 In this regulation, unless otherwise stated, suspension is defined as out-of-school suspension (OSS) – action taken by the school administration to prohibit a student from attending school for no more than 10 school days. A student who is on out-of-school suspension may not be in the school, on school or district property, or attend school or district activities during the period of the suspension.
  - 2.1.3.1 A one-day suspension is for a consecutive period of time equivalent to one school day. For example, if a student is suspended at noon, he or she may be suspended up until noon on the following school day.

- 2.1.3.2 If a suspension is longer than five days, the suspending administrator shall provide the superintendent or designee with a reason for the suspension.
- 2.1.3.3 If a student's total days of removal from school exceeds 10 cumulative days in a school year, the district shall make reasonable attempts to convene a meeting with the student and the student's parent or guardian prior to removing the student from school, and with the permission of the parent or guardian, arrange for a mental health screening for the student. The school district will not pay for the assessment unless it is part of an assessment for special education purposes. The purpose of the meeting shall be to attempt to determine the student's need for assessment, 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.
- 2.1.4 Violent Student Behavior (VSB) – A student who engages in violent behavior as defined in Section 4 below will be identified as “(VSB)” in the consequences chart.
- 2.1.5 Expulsion is action taken by the School Board to prohibit an enrolled student from further attendance for up to 12 months from the date the student is expelled.
- 2.1.6 Exclusion is an action taken by the School Board to prevent a student from enrolling or re-enrolling for a period of time that shall not extend beyond the school year.
- 2.2 In addition to the consequences detailed in this regulation, a school or the Transportation Department may respond to student misbehavior in a variety of ways that include, but are not limited to, dismissal from school, removal from class, in-school suspension, detention, mediation, restitution, parent notification, parent conference, loss of cocurricular activities, loss of access to school facilities and grounds outside of the regular school day, reports to probation services, criminal reports, community service, fines, loss of driving and parking privileges (at the high school level), and chemical evaluation.
- 2.3 Administrators may involve law enforcement authorities as necessary. If a student violates a district policy or regulation that is also a violation of a law, the student will be referred to the police in addition to being dealt with as described in this regulation. In accordance with state law, administrators will refer to the juvenile delinquency or criminal justice system any student who brings a firearm to school unlawfully. School staff members shall not interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts shall be made to inform a student's parent or guardian of the involvement of law enforcement. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary consequence.
- 2.4 A student who engages in assaultive or violent behavior in the classroom must be removed from class immediately and may be subject to other disciplinary consequences. The removal from the classroom shall be for a period of time deemed appropriate by the administrator, in consultation with the teacher.

### 3. Sources of Additional Information

- 3.1 For more information about student behavior, discipline and related issues, refer to the District 196 *Overview of Student Rights and Responsibilities* handbook.
- 3.2 For more information about responding to misbehavior by a special education student, refer to Administrative Regulation 503.3.1AR, Special Education Students: Consequences for Misbehavior.
- 3.3 District 196 prohibits students from, among other things, possessing, using or distributing “chemicals” and “drug paraphernalia.” For the purposes of this regulation, the word “chemicals” means narcotics or controlled substances, items purported or believed to be a narcotic or a controlled substance, any derivatives or synthetic versions of narcotics or controlled substances that can be used for the purpose of mood alteration, and prescription drugs or over-the-counter medications to be used for the purpose of mood alteration. Commonly known as marijuana or cannabis, THC in all its forms, including medicinal, edible or synthetic cannabis, is a prohibited controlled substance. “Drug paraphernalia” means items prohibited by Minnesota or federal law that are used for consumption or manufacturing of drugs.

Any prescription or over-the-counter medication a student is required to take, with the exception of inhalers, EpiPens and insulin, must be left with and administered by the school nurse, in accordance with 506.2.2AR, Administering Medication, however, medical cannabis may not be possessed or used on school district property or in school district vehicles. Students in grades 7-12 may self-administer standard doses of non-prescription pain relievers with written parent permission. (Refer to 506.2.1.2P, Emergency Information – Secondary Students, for more information.)

### 4. Staff Notification of Violent Behavior By Students (VSB) – A classroom teacher has a legitimate educational interest in knowing which students placed in the teacher’s classroom have a history of violent behavior. Teachers must be notified before such students are placed in the teacher’s classroom. Students who become identified as having a history of violent behavior as the year progresses, will constitute the need for teacher notification.

- 4.1 Identification of Students with a History of Violent Behavior – A student who engages in a behavior identified as “VSB” (violent student behavior) in the consequences chart will be identified as a student with a history of violent behavior.
- 4.2 Notification to Teachers/Staff – Teacher notification will occur on Procedure 503.3.5P, Staff Notification of Violent Behavior by Students, with a copy placed in the student’s educational record and retained pursuant to the school district’s records retention schedule. Written notification should be provided to all of the student’s classroom teachers. Building principals have discretion to provide notice to other staff members who also interact with the student. Written notification to the teacher will occur prior to the placement of a student in the teacher’s classroom whenever possible.
- 4.3 Once a student has been identified as a student with a history of violent behavior, notification will occur for the remainder of the school year and the following school year. The period of notification will be extended accordingly for each new incident of violent behavior that occurs.

- 4.4 Notification to the Parent of a Student Identified as Having a History of Violent Behavior – Parental notification of a student having a history of violent behavior will be consistent with notification practices in this regulation and the consequences chart in the *Overview of Student Rights and Responsibilities* handbook.
  - 4.5 Notice to Other School Districts – This notice is an educational record and will be transferred to an enrolling school district.
  - 4.6 Training – Pursuant to Minnesota Statute 121A.64, Notification; teachers’ legitimate educational interest, representatives of the School Board and representatives of the teachers will discuss the needs of students and staff. The parties may discuss necessary training which may include training on conflict resolution and positive behavior interventions and possible intervention services such as student behavioral assessments.
  - 4.7 Written Notification from Law Enforcement – A school that receives formal notification from law enforcement or the court system about a student’s delinquent conduct in the community shall process that notification as required by Minnesota Statute 121A.75, Receipt of records; sharing. This may include notification of appropriate staff persons if necessary to protect others from needless vulnerability and to allow staff members to work with the student in an appropriate manner. Notification shall be in accordance with the law and shall not be governed by the district’s procedures for staff notification of students with a history of violent behavior. The handling and retention of records received pursuant to Minnesota Statute 121A.75, Receipt of records; sharing, shall be according to the requirements of that statute and Minnesota Statute 120A.22, subd. 7.
  - 4.8 Record of Notice – The administration must keep a copy of Procedure 503.3.5P, Staff Notification of Violent Behavior by Students, on file to provide a record of those staff members notified under this section.
5. **Misbehaviors** – Students are expected not to engage in the following activities. The consequences apply regardless of whether the misbehavior took place in school, on district property, in a district vehicle, at a school or district activity, or at a school bus stop. Consequences also apply to misbehaviors carried out through the use of electronic communication. The consequences may also apply for misbehaviors which take place at other locations but directly affect school programs or activities. The school district makes every effort to apply disciplinary consequences consistently, but the administrator may recommend longer or shorter suspensions, expulsion, denial of transportation privileges, other discipline, or interventions such as mental health referrals on a case-by-case basis. This may include more severe consequences for students with multiple offenses in different categories of misbehavior or when a single behavior is particularly severe. Administrators may apply less severe consequences after considering intent or other extenuating circumstances.

MISBEHAVIORS	1st Offense	2nd Offense	3rd Offense	4th Offense
<b>1. Abuse: Verbal, Written or Otherwise Expressed</b> – Arousing alarm in others through the use of language that is discriminatory, abusive, bullying, threatening or obscene, including through the use of electronic communication.				
Involving student or staff (grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
Involving student (grades 6-12)	★	1-day susp.	3-day susp.	5-day susp. and •VSB
Involving self-harm (grades 6-12)	Referral for mental health assessment			
Involving staff (grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
Involving staff (grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
<b>2. Alarm, False</b> – Intentionally giving a false report to 911 or a false alarm of a fire or other emergency, including through the use of electronic communication, or tampering or, interfering with any alarm or alarm sensor.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	5-day susp.	expulsion		
<b>3. Alcohol*, Intent to Sell, Give or Share</b> – Selling, giving or sharing or intending to sell, give or share alcohol, including through the use of electronic communication, where selling, giving or sharing is prohibited by Minnesota or federal law.				
* For the purposes of this regulation, alcohol means any alcoholic substance—in whatever form (e.g., liquid, powder)—that has an intoxicating effect on the central nervous system and includes any alcoholic substance which may not be legally possessed or consumed by persons under the age of 21.				
(grades 6-12)	5-day susp. with chemical assessment <b>or</b> 10-day susp.	expulsion		
<b>4. Alcohol, Possession or Use</b> – Possessing, influenced by the use of, or using alcohol.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	5-day susp. with chemical assessment <b>or</b> 10-day susp.	10-day susp. with chemical assessment and agreement to follow assessment recommendations <b>or</b> expulsion		

• VSB = violent student behavior notification (see Section 4)

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
<b>5. Ammunition, Mace, Pepper Gas or Taser Possession –</b> Possession of bullets, other projectiles designed to be used in a weapon or other material designed to cause pain or injury.				
(grades k-5)	★	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
(grades 6-8)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
(grades 9-12)	5-day susp. and •VSB	expulsion and •VSB		
<b>6. Arson –</b> Intentional destruction or damage to school or district buildings or property by means of fire.				
(grades k-12)	expulsion, restitution and •VSB			
<b>7. Assault: Aggravated –</b> Committing an assault upon another person with a weapon or a device used as a weapon, or an assault which inflicts great bodily harm upon another person.				
(grades k-12)	expulsion and •VSB			
<b>8. Assault: Physical –</b> Acting with intent to cause fear in another person of immediate bodily harm or death, or intentionally bullying, inflicting or attempting to inflict bodily harm upon another person. Any intentional, harmful or potentially harmful physical contact or bullying initiated by a student against a staff member will be considered to be assault.				
Upon a student (grades k-5)	★	1-day susp.	3-day susp. and •VSB	5-day susp. and •VSB
Upon a staff member (grades k-5)	★ and •VSB	1-day susp. and •VSB	3-day susp. and •VSB	5-day susp. and •VSB
Upon a student (grades 6-12)	5-10 day susp. and •VSB	expulsion and •VSB		
Upon a staff member, including agents, volunteers and School Resource Officers (grades 6-12)	expulsion and •VSB			
Refusing to obey an order to cease striking, hitting, or attacking another student with the intent to cause physical harm. (grades 6-12)	10-day susp and VSB	expulsion and VSB		
<b>9. Assault: Verbal, Written or Otherwise Expressed –</b> Confrontation with a student or staff member through statements or actions which bullies, intimidates, threatens or causes fear of bodily harm or death, including through the use of electronic communication.				
Upon a student or staff member (grades k-5)	★	1-day susp.	3-day susp.	5-day susp. and •VSB
Upon a student (grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
Upon a student (grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
Upon a staff member (grades 6-12)	5-day susp. and •VSB	expulsion and •VSB		

• VSB = violent student behavior notification (see Section 4)

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
10. <b>Bodily Harm, Inflicting</b> – Committing a reckless or negligent act that inflicts bodily harm upon another person.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	1-day susp.	3-day susp.	5-day susp.	expulsion
11. <b>Bullying</b> – Bullying is subject to discipline under other categories including, but not limited to, abuse, assault, harassment and cyberbullying, including through the use of other electronic communication. See Administrative Regulation 503.8AR, Bullying Prohibition.				
12. <b>Burglary</b> – Entering a building or a specific area of a building without consent and with intent to commit a crime, or entering a building without consent and committing a crime.				
(grades k-5)	3-day susp. and restitution	expulsion and restitution		
(grades 6-12)	expulsion and restitution			
13. <b>Chemicals: Intent to Sell, Give or Share</b> – Selling, giving or sharing chemicals or drug paraphernalia, or intending or offering to sell, give or share chemicals or drug paraphernalia, including through electronic communication. (See definition of “chemicals and “drug paraphernalia” in section 3.3.)				
(grades 6-12)	expulsion			
14. <b>Chemicals: Possession, Under the Influence, Attempted Possession or Use</b> – Possessing, being influenced by the use of, attempting to possess or using any chemical or possessing or using drug paraphernalia, including through electronic communication. (See definition of “chemicals and “drug paraphernalia” in section 3.3.)				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12) – Drugs other than those listed below will result in the following consequences.	5-day susp. with chemical assessment <b>or</b> 10-day susp.	10-day susp. with chemical assessment and agreement to follow assessment recommendations or expulsion	expulsion	
(grades 6-12) – Certain felony-level drugs, specifically cocaine, ecstasy (MDMA), heroin, nonmedical methamphetamine (meth) and psilocybin (magic mushroom), will result in expulsion.	expulsion			

• VSB = violent student behavior notification (see Section 4)



MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
<p><b>15. Damage of or Tampering with Property (Vandalism) –</b> Intentionally damaging or tampering with property that belongs to the school, district, other students, employees or others. <i>(Note: Damaging or tampering with safety and security equipment [e.g., fire extinguishers, Automated External Defibrillators {AEDs}, surveillance cameras/equipment, fire alarm sensors, sprinkler systems] will automatically result in consequences beginning at the 2nd offense level.)</i></p>				
(grades k-5)	★ and restitution	1-day susp. and restitution <b>or</b> parent shadow and restitution	3-day susp. and restitution	5-day susp., restitution and •VSB
(grades 6-8)	★, 1-day susp. and restitution	3-day susp. and restitution	5-day susp., restitution and •VSB	expulsion, restitution and •VSB
(grades 9-12)	3-day susp. and restitution	5-day susp., restitution and •VSB	expulsion, restitution and •VSB	
Damage of Property (Vandalism) – Greater than \$500 damage (grades 9-12)	5-day susp. and restitution	expulsion, •VSB and restitution		
Damage of Property (Vandalism) - Greater than \$1,000 damage (grades 9-12)	10-day susp. and restitution	expulsion, •VSB and restitution		
<p><b>16. Dress –</b> Clothing may not include words or visuals which are lewd*, obscene*, disruptive*, abusive* or discriminatory*, or which advertise drugs, alcohol or tobacco. Dress or grooming which is disruptive to the classroom or school atmosphere is not allowed. Shoes must be worn at all times for health and safety reasons. Secondary school students may not wear facemasks, clothing, or any item that would prevent the student from being immediately identifiable. Exceptions may be authorized by school administrators.</p>				
(grades k-5)	★	★	1-day in-school susp.	3-day susp.
(grades 6-12)	★	1-day susp.	3-day susp.	5-day susp.

\* **Lewd and Obscene** is defined as follows: 1) The average person, applying contemporary community standards, would find that the clothing taken as a whole appeals to the prurient interest of minors of like age; 2) The clothing depicts or describes sexual conduct in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of like age, and 3) The clothing taken as a whole lacks serious literary, artistic, political or scientific value for minors.

\* **Disruptive** is defined as reasonably forecasted to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or the work of the school or to infringe on the rights of other students.

\* **Abusive** is defined as insulting, contemptuous or defamatory.

\* **Discriminatory** is defined as demonstrating prejudice against groups or individuals, as referred to in the district’s anti-discrimination policy.

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
17. <b>Driving, Careless or Reckless</b> – Driving on school property in such a manner as to endanger persons or property. (grades 9-12)	★; may include revocation of parking permit	3-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit	expulsion
18. <b>Fighting</b> – Adversarial physical contact (differentiated from poking, pushing, shoving or scuffling) in which one or both of the parties contributed to the situation by verbally instigating a fight and/or physical action. (grades k-5)	★	★	1-day susp.	3-day susp. and •VSB
(grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
(grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
19. <b>Fighting, Promoting/Instigating a Fight</b> – Contributing to a fight verbally or through behavior, including through the use of electronic communication. (grades 6-8)	1-day susp.	3-day susp.	5-day susp. and •VSB	5-day susp. and •VSB
(grades 9-12)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
20. <b>Fire Extinguisher, Unauthorized Use</b> – Unauthorized handling of a fire extinguisher or fire alarm sensors. (grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	5-day susp.	expulsion		
21. <b>Fireworks or Combustibles, Possession</b> – Possessing or offering for sale any substance, combination of substances or articles prepared to produce a visible or audible effect by combustion, explosion, deflagration or detonation. (grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	3-day susp.	5-day susp.	expulsion	
22. <b>Fireworks or Combustibles, Use</b> – Using or igniting any substance, combination of substances or articles prepared to produce a visible or audible effect by combustion, explosion, deflagration or detonation. (grades k-5)	★	3-day susp.	5-day susp.	expulsion
(grades 6-8)	3-day susp.	5-day susp.	expulsion	
(grades 9-12)	5-day susp.	expulsion		

• VSB = violent student behavior notification (see Section 4)

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
<b>23. Gambling</b> – Playing a game of chance for stakes.				
(grades k-5)	★	★	★	1-day susp. <b>or</b> parent shadow
(grades 6-8)	★	★	1-day susp.	3-day susp.
(grades 9-12)	★	1-day susp.	3-day susp.	5-day susp.
<b>24. Harassment</b> – Participating in or conspiring with others to engage in acts that injure, bully, degrade, intimidate or disgrace other individuals, including indecent exposure, displaying pornography, and harassing words or actions that negatively impact on an individual or group because of their characteristics, including through the use of electronic communication. Harassment based upon an individual or group’s sex, race, color, creed, religion, disability, national origin, marital status, familial status, age, sexual orientation, genetic information or public assistance status shall also be handled in accordance with 503.4AR, Harassment, Discrimination, Violence or Hazing.				
(grades k-3)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 4-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	★	1-day susp.	5-day susp.	expulsion
(grades 9-12)	1-day susp.	3-day susp.	5-day susp.	expulsion
<b>25. Hazing</b> – Committing an act against a student or coercing a student into committing an act that creates a substantial risk of harm or holds a student up to ridicule in order for the student to be initiated into or affiliated with a student organization, group or club, including through the use of electronic communication. Hazing shall also be handled in accordance with 503.4AR, Harassment, Discrimination, Violence or Hazing by a Student.				
(grades 6-8)	1-day susp.	3-day susp.	5-day susp.	expulsion
(grades 9-12)	3-day susp.	5-day susp. and •VSB	expulsion and •VSB	
<b>26. Insubordination</b> – Willful refusal to follow an appropriate direction given by a staff member.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	expulsion

• VSB = violent student behavior notification (see Section 4)

<b>MISBEHAVIORS (continued)</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
<b>27. Incendiary Devices</b> – Unauthorized possession or igniting of matches, lighters and other devices that produce flames.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	1-day susp.	3-day susp.	5-day susp.	expulsion
<b>28. Interference, Disruption or Obstruction</b> – Any action taken to attempt to prevent one or more staff members or students from exercising their assigned duties, including loud speech, shouting, screaming or through the use of electronic communication.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	expulsion
<b>29. Lewd Behavior</b> – Sexual conduct that is considered indecent or offensive.				
(grades k-3)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 4-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	★	1-day susp.	5-day susp.	expulsion
(grades 9-12)	1-day susp.	3-day susp.	5-day susp.	expulsion
<b>30. Nuisance and/or Recording Devices</b> – Causing a nuisance with objects that cause distractions, such as MP3 players (iPods), radios, headsets, cellular phones, universal remote controls, laser pointers, etc. This includes, but is not limited to, causing a nuisance through the non-curricular use of cameras, cell phones or other devices for photographic, audio, video, or digital recording and/or sharing of those recordings without staff permission. Students who violate this provision may be prohibited from possessing their device in school for up to 45 days in addition to the consequences listed below.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-12)	1-day susp.	3-day susp.	5-day susp.	10-day susp.
Involving staff (grades 6-12)	3-day susp.	5-day susp.	10-day susp.	

• VSB = violent student behavior notification (see Section 4)

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
31. <b>Pornography</b> – Possessing, creating or accessing sexually explicit material, including through the use of electronic communications or materials.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	5-day susp.
32. <b>Pornography</b> – Sharing, including through the use of electronic communications or materials, such as sexting.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-8)	1-day susp.	3-day susp.	5-day susp.	
(grades 9-12)	3-day susp.	5-day susp.	5-day susp.	
33. <b>Propping, Rigging or Disabling a Secure Door</b> – Any action which causes a door to be unsecured in order to facilitate subsequent re-entry.				
(grades k-8)	★			
(grades 9-12)	★	1-day susp.	3-day susp.	
34. <b>Records or Identification Falsification</b> – Falsifying signatures, data, or school documents, or refusing to give proper identification or giving false information to a staff member.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	★	3-day susp.	5-day susp.	5-day susp.
35. <b>Robbery or Extortion</b> – Obtaining property from another person where his or her consent was induced by use of force, threat of force or under false pretenses, including through the use of electronic communication.				
(grades k-5)	★ and restitution	1-day susp. and restitution <b>or</b> parent shadow and restitution	3-day susp. and restitution	5-day susp., restitution and •VSB
(grades 6-8)	3-day susp. and restitution	5-day susp., restitution and •VSB	expulsion, restitution and •VSB	
(grades 9-12)	expulsion, restitution and •VSB			

• VSB = violent student behavior notification (see Section 4)

MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
<p><b>36. Sexual Violence</b> – A physical act of aggression or force, or the threat of aggression or force, which involves non-consensual sexual contact or sexual intercourse with another person, including intentional touching of clothing covering a person’s intimate parts, intentional touching of a person’s intimate parts, forcing a person to touch any person’s intimate parts, or intentional attempted or actual removal of clothing covering a person’s intimate parts or undergarments. (For more information, refer to 503.4AR, Harassment, Discrimination, Violence or Hazing by a Student.)</p>				
(grades 6-8)	5-day susp. and •VSB	expulsion and •VSB		
(grades 9-12)	expulsion and •VSB			
<b>37. Technology-Related</b>				
Non-school use of technology (grades 6-12)	★	★	1-day susp.	3-day susp.
Unauthorized adding or altering of hardware/software on a workstation or server (damage of property) (grades 6-12)	3-day susp. and restitution	5-day susp. and restitution	expulsion and restitution	
Unauthorized access or activity in a secured area of computer or network (trespassing) (grades k-5)	★	★	1-day susp. or parent shadow	3-day susp.
Unauthorized access or activity in a secured area of computer or network through the use of any electronic communication or device (trespassing) (grades 6-12)	3-day susp.	5-day susp.	expulsion	
Other violations of 503.7AR, Acceptable Use of Information Technology - Students (grades 6-12)	★	★	1-day susp.	3-day susp.
<p><b>37A. Cyberbullying</b> – Inappropriate use of technology or other electronic communication including, but not limited to, a transfer of a sign, signal, writing, image, sound or date, including a post on a social network Internet website or forum, transmitted through a computer, cell phone or other electronic device to bully another. Cyberbullying is prohibited on school premises, during school functions or activities, on school transportation, or on school computers, networks, forums and mailing lists, or off the school premises to the extent such use substantially and materially disrupts student learning or the school environment. Students may also be disciplined under other qualifying categories listed within this document.</p>				
(grades k-5)	★	★	★	1-day susp.
(grades 6-8)	★	★	1-day susp.	3-day susp.
(grades 9-12)	★	1-day susp.	3-day susp.	5-day susp.

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MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
38. <b>Threat of Bomb or Violence</b> – With the purpose of terrorizing another or with reckless disregard of the risk of causing terror in another, directly or indirectly communicating a threat of a bomb or other act of violence against the school or another individual, including through the use of electronic communication.				
(grades k-5)	1-day susp.	3-day susp.	5-day susp. and •VSB	expulsion and •VSB
(grades 6-8)	5-day susp. and •VSB	expulsion and •VSB		
(grades 9-12)	expulsion and •VSB			
39. <b>Theft, or Knowingly Receiving or Possessing Stolen Property</b> – Unauthorized taking of the property of another person or receiving or possessing such property. (For more information about theft related to the use of information technology, refer to 503.7AR, Acceptable Use of Information Technology - Students.)				
(grades k-5)	★ and restitution	★ and restitution	1-day susp. and restitution <b>or</b> parent shadow and restitution	3-day susp. and restitution
(grades 6-12)	1-day susp. and restitution	3-day susp. and restitution	5-day susp. and restitution	expulsion and restitution
Theft, or Knowingly Receiving or Possessing Stolen Property – with a value over \$50 (grades 6-12)	3-day susp. and restitution	5-day susp. and restitution	expulsion and restitution	
Theft or Knowingly Receiving or Possessing Stolen Property – with a value over \$500 (grades 6-12)	5-day susp. and restitution	expulsion and restitution		
Theft or Knowingly Receiving or Possessing Stolen Property – with a value over over \$1,000 (grades 6-12)	expulsion and restitution			
40. <b>Tobacco</b> – Possessing, using, selling, giving or sharing tobacco, liquid or electronic cigarettes or electronic hookah pens in district buildings, on district grounds, in district vehicles or at district events in violation of 406.5AR, Tobacco-Free Environment.				
(grades k-5)	★	1-day susp. <b>or</b> parent shadow	3-day susp.	5-day susp.
(grades 6-12)	1-day susp.	3-day susp.	5-day susp.	5-day susp.
41. <b>Trespassing</b> – Being present in any district facility or portion of a district facility when it is closed to the public or when the student does not have the authorization to be there, or unauthorized presence in a district vehicle.				
(grades k-5)	★	★	1-day susp. <b>or</b> parent shadow	3-day susp.
(grades 6-8)	★	1-day susp.	3-day susp.	5-day susp.
(grades 9-12)	3-day susp.	5-day susp.	expulsion	

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MISBEHAVIORS (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
42. <b>Vehicle, Unauthorized Use</b> – Occupying or using vehicles during school hours without school authorization. (grades 9-12)	1-day susp.; may include revocation of parking permit	3-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit
Refusal to comply with parking regulations. (grades 9-12)	★	1-day susp.; may include revocation of parking permit	3-day susp.; may include revocation of parking permit	5-day susp.; may include revocation of parking permit
43. <b>Weapon or Look-alike Weapon, Possession</b> – Possessing any firearm, whether loaded or unloaded, or any device intended to look like a firearm; any knife; any device or instrument designed as a weapon and capable of producing severe bodily harm, or intended to look like a device or instrument capable of producing severe bodily harm; or any other device, instrument, substance or explosive which, in the manner in which it is used or intended to be used, is calculated or likely to produce severe bodily harm or looks like it is calculated or likely to produce severe bodily harm.				
Look-alike weapon possession (grades k-5)	★	1-day susp.	3-day susp.	5-day susp. and •VSB
Weapon, possession (grades k-5) <i>(NOTE: State law requires expulsion if the weapon is a firearm.)</i>	★ to expulsion and •VSB			
Weapon or look-alike weapon, possession (grades 6-12)	expulsion and •VSB			

6. **Misbehaviors in District Vehicles** – Violation of the behavior rules listed above may result in denial of transportation privileges in addition to the consequences listed. In addition to the items listed above, students are expected not to engage in the following activities in district vehicles.

MISBEHAVIORS IN DISTRICT VEHICLES	1st Offense	2nd Offense	3rd Offense	4th Offense
44. <b>Eating/Drinking on the Bus</b> – Due to the dangers of choking and of allergic reactions to food, eating and drinking are not allowed on the bus.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
45. <b>Improper Boarding or Departing</b> – Getting on or off the bus in a manner which could cause injury to self or others.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.

• VSB = violent student behavior notification (see Section 4)



MISBEHAVIORS IN DISTRICT VEHICLES (continued)	1st Offense	2nd Offense	3rd Offense	4th Offense
46. <b>Not Remaining Seated</b> when the bus is in motion (as required by Minnesota Statute 169.447), including not keeping hands, arms, legs and head inside the bus.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
47. <b>Pushing, Shoving or Scuffling</b> (resulting in injury)				
(grades k-3)	★	★	★	1-day bus susp.
(grades 4-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
48. <b>Tampering With Emergency or Safety Equipment</b> – Unauthorized handling of emergency or safety equipment on the bus, including first aid kits, fire extinguishers, and emergency doors, windows or hatches, or crossing/patrol flags.				
(grades k-5)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
(grades 6-12)	1-day bus susp.	3-day bus susp.	5-day bus susp.	expulsion from bus
49. <b>Throwing, Shooting or Spraying of Objects or Propellants</b> – Throwing or shooting any items inside a bus, from outside to inside or from inside to outside a bus. Any spraying of propellants such as cologne, paint, etc. while on the bus.				
(grades k-5)	★	1-day bus susp.	3-day bus susp.	5-day bus susp.
(grades 6-12)	★	3-day bus susp.	5-day bus susp.	expulsion from bus
50. <b>Use of Nuisance and/or Recording Devices on a School Bus</b> – Using nuisance devices including, but not limited to, laser pointers, cellular phones, cameras or electronic devices on a school bus in a way that disrupts the safe transportation of students and/or endangers students or employees.				
(grades k-5)	★	★	1-day bus susp.	3-day bus susp.
(grades 6-12)	1-day bus susp.	3-day bus susp.	5-day bus susp.	10-day bus susp.
51. <b>Smoking of Tobacco or Other Substances</b> – Smoking tobacco, including electronic cigarettes, electronic hookahs or other substances while on the school bus.				
(grades k-5)	1-day bus susp.	3-day bus susp.	5-day bus susp.	expulsion from bus
(grades 6-12)	3-day bus susp.	5-day bus susp.	expulsion from bus	

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- References:**
- Gun-Free School Zones Act of 1990, 18 U.S.C.A., 921-924
  - Minnesota Statute 120A.22, subd. 7, Educational records
  - Minnesota Statute 120A.34, Violations; Penalties
  - Minnesota Statute 121A.03, Model policy on sexual, religious and racial harassment and violence
  - Minnesota Statute 121A.05, Policy to Refer Firearms Possessor
  - Minnesota Statutes 121A.40 – 121A.56, Pupil Fair Dismissal Act
  - Minnesota Statute 121A.44, Expulsion for Possession of Firearms
  - Minnesota Statute 121A.59, Bus Transportation a privilege not a right
  - Minnesota Statute 121A.61, Discipline and removal of students from class
  - Minnesota Statute 121A.64, Notification; teachers' legitimate educational interest
  - Minnesota Statute 121A.69, Hazing
  - Minnesota Statute 121A.75, Receipt of records; sharing
  - Minnesota Statute 169.447, School bus and Head Start bus safety
  - Minnesota Statute 609.685, Sale of tobacco to children