



Adopted: May 15, 1996

EMID 6067 Board Policy 506  
**(required policy)**

Revised: June 23, 2004; May 20, 2015; December 16, 2015; February 15, 2017; January 17, 2018; October 17, 2018

## **506 STUDENT DISCIPLINE**

### **I. PURPOSE**

The purpose of this policy is to help all members of the EMID community work collaboratively to create a safe, supportive, and equitable climate through the use of positive discipline practices. EMID will take appropriate action when students fail to adhere to the Standards of Student Conduct established by this policy.

### **II. GENERAL STATEMENT OF POLICY**

The Board recognizes that a positive and equitable learning environment is essential for students to thrive academically and developmentally. The Board also recognizes that individual responsibility and mutual respect are essential components of the educational process.

All students are entitled to learn and develop in a setting which promotes engagement, trust, equity, and respect for self, others, and property. Proper positive discipline can only result from an equitable, supportive environment that provides options and stresses student self-direction, decision-making, and responsibility.

Students are expected to conduct themselves in an appropriate manner that maintains a climate in which learning can take place.

It is EMID's position that a fair and equitable district-wide student discipline policy will contribute to the quality of the student's educational experience and is a necessity required by both federal and state law. 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 Board, with the participation of the Executive Director, employees, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students participating in EMID integration programs, and promotes an equitable positive school climate. .

### **III. AREAS OF RESPONSIBILITY**

A. The EMID Board. The Board holds all program personnel responsible for the maintenance of a safe, supportive, and equitable program climate within EMID



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 personnel, students and parents responsible for conforming to this policy, and support all EMID 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.
- C. Other EMID Personnel. All EMID personnel shall be responsible for contributing to the atmosphere of mutual respect within the integration programs. Their responsibilities relating to student behavior shall be as authorized and directed by the Executive Director. An employee, driver, or other agent of EMID, 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.
- D. 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 district authorities and to participate regarding the behavior of their children.
- E. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Standards of Student Conduct and this policy.
- F. Community Members. Members of the community are expected to contribute to the establishment of a safe, supportive, and equitable climate.

#### **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 EMID rules, regulations, policies and procedures;
- B. To assist the staff in maintaining a safe environment for all students;
- C. To be aware of all EMID rules, regulations, policies and procedures, including those in this policy, and to conduct themselves in accord with them;
- D. To assume that until a rule or policy is waived, altered or repealed, it is in full force and effect;



- E. To be aware of and comply with federal, state and local laws;
- F. To volunteer information in disciplinary cases should they have any knowledge relating to such cases and to cooperate with EMID staff, as appropriate;
- G. To respect and maintain the EMID program location's property and the property of others;
- H. 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 EMID district policy;
- I. To avoid inaccuracies in student publications and refrain from indecent or obscene language;
- J. To conduct themselves in an appropriate physical and verbal manner; and
- K. To recognize and respect the rights of others.

## **VI. STANDARDS OF STUDENT CONDUCT**

- A. The following are examples of unacceptable behavior subject to disciplinary action by EMID. EMID recognizes that whenever subjective interpretation is required to determine student conduct, the possibility of bias exists. EMID further recognizes that, as a result, not all students are always disciplined in the same manner. Given this, all staff will apply this policy and impose any discipline in an equitable and consistent manner. This policy applies to all EMID program locations; EMID sponsored activities or trips; buses, contracted vehicles, or any other vehicles approved for EMID purposes; the area of entrance or departure from program location premises or events; and all EMID-related functions, EMID-sponsored activities, events, or trips. EMID locations may also mean a student's walking route to or from an EMID program, and bus pick-up location for purposes of attending an EMID-related function, activity, or event. While prohibiting unacceptable behavior subject to disciplinary action at these locations and events, EMID 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 EMID or the safety or welfare of the student, other students, or employees. These examples are including, but not limited to:
  - 1. *Abusive Actions or Verbal Assaults*  
Inappropriate, abusive, threatening, or demeaning actions, whether oral or written, based on race, color, creed, religion, sex, gender identity or expression, marital status, status with regard to public assistance, disability, national origin or sexual orientation; verbal assaults, or verbally



abusive behavior, including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating, degrading to people, or threatening to property;

2. *Alteration or Falsification of Records*

Tampering with, changing, or altering records or documents of EMID by any method including, but not limited to, computer access or other electronic means; falsification of any records, documents, notes or signatures;

3. *Bullying, Hazing, Sexual and/or Racial Abuse and/or Harassment*

Bullying, including, but not limited to, intentionally pushing, shoving, poking, verbal harassment, and/or intimidation of another student; violations of EMID's Bully Prohibition Policy 514. Violation of EMID's Hazing Prohibition Policy 526. Violation of EMID's Harassment Policy 414.

4. *Disrespectful Language; Profanity and Obscenity; and Slanderous, Libelous, or Pornographic Materials*

Impertinent or disrespectful language, whether written or oral, toward teachers or other EMID personnel; the use of profane words, symbols, acronyms, or obscene language, or the possession of obscene materials; possession or distribution of slanderous, libelous, or pornographic materials;

5. *Disruptive Behavior and Nuisance Devices*

Acts disruptive of the educational process, including, but not limited to, disobedience, disruptive or disrespectful behavior, defiance of authority, cheating, insolence, insubordination, failure to identify oneself, improper activation of fire alarms, or bomb threats. Possession of nuisance devices or objects misused which cause distractions.

6. *Explosives, Fireworks, and other Incendiary Devices*

Possession, use, or distribution of explosives or any compound or mixture, the primary or common purpose or intended use of which is to function as an explosive. Possession, use, or distribution of fireworks or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation. Using an ignition device, including a butane or disposable lighter or matches, inside an educational building and under circumstances where there is a risk of fire, except where the device is used in a manner authorized by EMID.

7. *Gambling*

Gambling, including, but not limited to, playing a game of chance for stakes;



8. *Illegal or Harmful Items, Alcohol, Drugs, or Tobacco*  
Using, possessing, or distributing items or articles that are illegal or harmful to persons or property including, but not limited to, drug paraphernalia. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of alcohol or other intoxicating substances or look-alike substances. Using, possessing, distributing, intending to distribute, making a request to another person for (solicitation), or being under the influence of narcotics, drugs, or other controlled substance (except as prescribed by a physician), or look-alike substances (these prohibitions include medical marijuana or medical cannabis, even when prescribed by a physician), and one student sharing prescription medication with another student. Using possessing, or distributing tobacco, tobacco paraphernalia, or e-cigs on EMID-provided transportation or at EMID-sponsored events.
9. *Internet Use*  
Violation of EMID's Computer Access and Internet Use and Safety Policy 524
10. *Threats*  
Physical or verbal threats including, but not limited to, the staging or reporting of dangerous or hazardous situations that do not exist; direct or indirect crime of violence or threat with purpose to terrorize another, or to cause evacuation of a building, place of assembly, vehicle, or to otherwise cause serious public inconvenience as further set forth in Minn. Stat. § 609.713.
11. *Property Violations*  
Violations against property including, but not limited to, damage to or destruction of school property or the property of others, failure to compensate for damage or destruction of such property, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism;
12. *Scholastic Dishonesty*  
Scholastic dishonesty which includes, but is not limited to, plagiarism, including the use of electronic devices or other technology to accomplish this end;
13. *Search of Student Property*  
Violations of EMID's Search of Student Personal Possessions and Student's Person Policy 502.
14. *Transportation Safety*  
Violation of school bus or transportation rules or the Student



Transportation Safety Policy 709;

15. *Student Attire*  
Student attire or personal grooming which creates a danger to health or safety or a disruption to the educational process, including but not limited to clothing bearing a lewd, vulgar, or obscene message, promoting products or activities that are illegal for use by minors, or displaying objectionable emblems, signs, words, objects, or pictures communicating a message that is racist, sexist, or otherwise derogatory to a protected group or indicating cult or gang membership;
16. *Student Driving*  
Violation of parking or traffic rules and regulations, including but not limited to driving on property in such a manner as to endanger persons or property.
17. *Violation of Laws or EMID Policies and Rules*  
Criminal activity or violation of any local, state or federal law as appropriate; violation of EMID rules, regulations, policies, or procedures, including, but not limited to, those enumerated in this policy;
18. *Violations Against Persons, Violence, Bodily Harm, or Assaultive Behavior*  
Violations against persons, including, but not limited to, assault or threatened assault, fighting, harassment, interference or obstruction, attack with a weapon, or look-alike weapon, sexual assault, illegal or inappropriate sexual conduct, or indecent exposure; committing an act which inflicts great bodily harm upon another person, even though accidental or a result of poor judgment; actions, including fighting or any other assaultive behavior, which causes or could cause injury to the student or other persons or which otherwise endangers the health, safety, or welfare of students, EMID personnel, or other persons; opposition to authority using physical force or violence; violation of EMID's Violence Prevention Policy 525;
19. *Weapons and Ammunition*  
Using, possessing, or distributing weapons, or look-alike weapons or other dangerous objects; violation of EMID's Weapons Policy; possession of ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon;
20. *Other Disruptive Acts*  
Other acts, as determined by EMID, which are disruptive of the educational process or dangerous or detrimental to the student or other students, district personnel or surrounding persons, or which violate the rights of others or which damage or endanger property, or which otherwise



interfere with or obstruct the mission or operations of EMID or the safety or welfare of students or employees.

## **VII. DISCIPLINARY ACTION OPTIONS**

It is the general policy of EMID to utilize a preventative and positive approach to discipline aimed at creating a safe and quality learning environment for students, characterized by: understanding and addressing the underlying function of behavior; resolving conflicts and repairing harm; teaching appropriate replacement behaviors; restoring relationships in the school community; and reintegrating students into the EMID community. EMID staff and/or the Executive Director will exercise his or her professional judgement in determining appropriate consequence(s) or disciplinary action(s). Disciplinary action may include, but is not limited to, one or more of the following:

- A. Reinforce the behavioral expectations;
- B. Student conference with EMID personnel;
- C. Mediation, conflict resolution, and/or restorative practices;
- D. Parent/guardian contact and/or conference;
- E. Notify the student's resident district.
- F. Implementation of a behavioral contract.
- G. Instruction in social-emotional skills.
- H. Removal from the situation.
- I. Suspension from EMID activities
- J. Referral to community resources or outside agency services;
- K. Restitution;
- L. Preparation of an admission or readmission plan;
- M. Confiscation by EMID personnel and/or by law enforcement of any item, article, or object prohibited by or used in the violation of, any district policy, rule, regulation, procedure, or state or federal law. If confiscated by the district, the confiscated item, article, or object will be released only to the parent/guardian following the completion of any investigation or disciplinary action instituted or taken related to the violation.



- 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. Other disciplinary action as deemed appropriate by EMID.

## **VIII. REMOVAL OF STUDENTS FROM AN EMID PROGRAM**

- A. EMID staff shall have the general control and government of the program. EMID staff have the responsibility of attempting to modify disruptive student behavior by such means as conferring with the student, using positive reinforcement, using classroom level consequences, or contacting the student's parents. When such measures fail, or when the staff determines it is otherwise appropriate based upon the student's conduct, the staff shall have the authority to remove the student from the program pursuant to the procedures established by this discipline policy. "Removal" mean any actions taken by an EMID employee to prohibit a student from attending an activity for a period of time not to exceed ten (10) days, pursuant to this discipline policy.

Grounds for removal shall include any of the following:

1. Willful conduct that significantly disrupts the rights of others, including conduct that interferes with an EMID staff member's ability to teach or communicate effectively with students in the program or with the ability of other students to learn;
2. Willful conduct that endangers surrounding persons, including EMID employees, the student or other students, or property;
3. Willful violation of any EMID rules, regulations, policies or procedures, including the Standards of Student Conduct in this policy; or
4. Other conduct, which in the discretion of the EMID staff, requires removal of the student from the program.

Such removal shall be for at least one (1) activity period and shall not exceed four (4) such periods. A student must be removed from class immediately if the student engages in assault or violent behavior. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of, or attempt to inflict, bodily harm upon another. The removal from the program shall be for a period of time deemed appropriate by the administrator, in consultation with the teacher/facilitator.

- B. If a student is removed from a program more than four (4) times in a semester, EMID





shall notify the parent or guardian and the student's home district of the student's removal from the program 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 the program.

## **IX. READMISSION PLAN**

A Program Supervisor shall prepare and enforce a readmission plan for any student who is excluded from an EMID program. The plan may include measures to improve the student's behavior, *including completing a character education program consistent with Minn. Stat. § 120B.25, Subd. 1*, and require parental involvement in the 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. The readmission plan will include notification of the student's resident district.

## **X. 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 EMID official may provide additional notification as deemed appropriate. In addition, the district must report, to the student's home district, each physical assault of a district employee by a student within one week of the assault. This report must include a statement of the alternative service or resolution given to the student in response to the assault and the reason for, the effective date, and the duration of exclusion or other resolution. The report must also include the student's age, grade, gender, race, and special education status.

## **XI. STUDENT DISCIPLINE RECORDS**

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

Discipline records will also be shared with the student's home school.

## **XII. STUDENTS WITH DISABILITIES**

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.

## **XIII. DISTRIBUTION OF POLICY**

EMID will notify students and parents of the existence and contents of this policy in such



manner as it deems appropriate. This policy shall also be available upon request in the EMID office.

#### **XIV. REVIEW OF POLICY**

The Executive Director and EMID staff 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 applied. Any recommended changes shall be submitted for consideration by the Board.

***Legal References:***

- Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
- Minn. Stat. Ch.120B.02 (Educational Expectations for Minnesota Students)
- Minn. Stat. Ch.120B.225 (Character Development Education)
- Minn. Stat. Ch.121A.26 (School Pre-assessment Teams)
  
- Minn. Stat. Ch.121A.29 (Reporting; Chemical Abuse)
- Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
- Minn. Stat. Ch.121A.575 (Alternatives to Pupil Suspension)
- Minn. Stat. §§ 609.713 (Terroristic Threats)
- Minn. Stat. §§ 121A.582 (Reasonable Force)
- Minn. Stat. § 122A.42 (General Control of Schools)
- Minn. Stat. Ch.125A (Students with Disabilities)
- Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
- Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
- 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:***

- EMID Policy 413 (Harassment and Violence)
- EMID Policy 501 (Weapons)
- EMID Policy 502 (Search of Student Personal Possessions and Student's Person)
- EMID Policy 504 (Student Dress and Appearance)
- EMID Policy 505 (Distribution of Non-District Sponsored Materials on Integration Program Premise by Students and Employees)
- EMID Policy 507 (Corporate Punishment)
- EMID Policy 514 (Bullying Prohibition)
- EMID Policy 524 (Computer Access and Internet Use and Safety Policy)
- EMID Policy 525 (Violence Prevention)
- EMID Policy 526 (Hazing Prohibition)
- EMID Policy 610 (Field Trips)
- EMID Policy 709 (Student Transportation Safety)