SCHOOL DISCIPLINE POLICIES & PRACTICES

NEW: SCHOOL BOARD DISCIPLINE POLICY - (MN Statutes 121A.61 Subd.1, 3, 4, 5)

The school board discipline policy must contain:

- a discipline complaint procedure that any member of the school community can use to file a complaint regarding the application of discipline policies and seek corrective action

- procedures to file a complaint when the Pupil Fair Dismissal Act and other statutory discipline requirements are not being implemented appropriately or are being discriminately applied (minimum requirements of this complaint procedure are outlined in MN Statutes 121A.61 subd.4)

- procedures for ensuring victims of bullying who respond with behavior not allowed by the school have access to a remedial response (consistent with the School Student Bully Policy)

- a prohibition on the use of exclusionary practices for early learners to address attendance and truancy issues

- a provision to promote and support school staff in using tiered interventions that teach students skills and prioritize relationships between students and teachers

- a provision that discourages staff from reacting to unwanted student behavior with approaches that do not take away student opportunities to build skills for appropriate responses

NEW: LEGAL DEFINITION – NONEXCLUSIONARY DISCIPLINE POLICY & PRACTICE

"Nonexclusionary disciplinary policies and practices" - means policies and practices that are alternatives to dismissing a pupil from school, including but not limited to evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title 1 services or reading interventions, and alternative education services.

- Policies and practices include but are not limited to provisions from the school bullying policy (121A.031), alternatives to pupil suspension policy (121A. provisions 575), reading proficiently no later than grade 3 policy (120b.12), discipline and removal of students from class policy (121A.61), and positive behavioral interventions and supports policy (122A.627).
NEW: SCHOOL BOARD NONEXCLUSIONARY DISCIPLINE POLICY - (MN Statutes 121A.55, 121A.41 subd. 12)

- School boards are required to establish nonexclusionary disciplinary policies and practices to emphasize preventing dismissals through early detection of problems and prevention of recurring inappropriate behavior.

- Policies must recognize the school’s responsibility for:
  - student education during dismissal periods
  - ensuring adequate alternative educational service options that help students progress towards graduation and prepare for readmission

- Policies on expulsion and exclusion dismissals and pupil withdrawal agreements must indicate that for students who remain enrolled or are waiting to enroll in a new district:
  - School is responsible for reviewing schoolwork and grades quarterly to ensure they are on track for readmission AND communicate on a regular basis with that student’s guardians to ensure they are completing work assigned.
  - Alternative educational services are required until the student enrolls in another school or returns to the same school.
  - Students receiving school-based or school-linked mental health services continue to be eligible for those services until they are enrolled in a new district.
  - The school must provide the student’s guardians with information on accessing mental health services, including any free or sliding fee providers in the community. The information MUST be posted on the school’s website.

NEW: PROVISION OF ALTERNATIVE PROGRAMS - (MN Statutes – 121A.45 sub.1)

- Must use nonexclusionary discipline policies and practices before dismissal or pupil withdrawal agreements.

NEW: PUPIL WITHDRAWAL AGREEMENTS - (MN Statutes 121A.45 subd. 13)

"Pupil Withdrawal Agreement" - means a verbal or written agreement between a school administrator or district administrator and a pupil’s parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

- DISMISSAL REQUIREMENTS: No school can dismiss any pupil without attempting to use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements.
EXCEPTIONS to requirements are allowed where it appears that the student will create an “immediate and substantial danger to themselves or to surrounding persons or property.”

NEW: ALTERNATIVE EDUCATION SERVICES - (MN Statutes 121A.46 subd.4)

- Alternative education services must be provided to a student who is suspended for more than five consecutive school days. This includes students who are suspended pending a board’s decision on expulsion or exclusion hearing.

NEW: OPPORTUNITY TO COMPLETE SCHOOL WORK - (MN Statutes 121A.46)

- Suspended students must be given the opportunity to complete all schoolwork assigned during the period of their suspension AND receive full credit for satisfactorily completing the assignments.

NEW: STAFF LIAISON - (MN Statutes 121A.46)

- Schools are encouraged to designate an employee as a liaison to work between teachers and suspended students to help them:
  - receive timely materials and information
  - complete daily and weekly assignments and receive teacher feedback

NEW: EXCLUSION WRITTEN NOTICE REQUIREMENTS - (MN Statutes 121A.47 subd. 2)

- Requires a school give written notice of intent to exclude or expel to a student and their parent or guardian, which must include:
  - a description of the nonexclusionary disciplinary practices used with the student in attempting to avoid the expulsion proceedings
  - information about free or low-cost legal assistance posted on MDE website

NEW: READMISSION PLAN REQUIREMENTS - (MN Statutes 121A.47 subd. 14)

- Schools must prepare an admission or readmission plan for any student excluded or expelled. The plan must include:
  - measures to improve the student’s behavior, social and emotional learning, counseling, social work services, mental health services, referrals for special education or a 504 evaluation, and evidence based academic interventions
  - reasonable attempts to obtain parental involvement in the admission or readmission process
Does not apply to a student dismissed from school for less than one school day (except as provided under federal law with a student with a disability)

NEW: REPORTING STUDENT WITHDRAWALS - (MN Statutes 121A.53 subd. 1)

- School boards must report through the MDE electronic reporting system:
  - each pupil withdrawal and pupil withdrawal agreement
  - a statement of nonexclusionary disciplinary practices

NEW: PRONE RESTRAINT PROHIBITED - (MN Statutes 121A.58)

- "Prone restraint"- means placing a child in a face-down position.
  - School employees or agents of a district (including school resource officers or security personnel) are prohibited from using a prone restraint on a student.

NEW: PHYSICAL HOLDS PROHIBITED - (MN Statutes 121A.58)

- Physical holds - means any form of physical hold that restrict a student’s ability to breathe or communicate distress, result in straddling a student’s torso, place pressure on a student’s head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen.

These prohibitions do not prevent the Reasonable Force standard from being exercised in appropriate situations, “when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.” (MN Statutes 121A.582)

NEW: RECESS AND OTHER BREAKS (MN Statutes 121A.611)

- Schools are encouraged to ensure student access to structured breaks from the demands of school and support teachers, principals, and other school staff to use evidence-based approaches to reduce exclusionary forms of discipline.

"Recess Detention"- means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student’s choice.

- School must not use recess detention unless:
  - a student causes or is likely to cause serious physical harm to other students or staff
  - the student’s parent or guardian consents specifically to using recess detention
  - for special education students: the IEP team has determined that withholding recess is appropriate based on the student’s individual needs
• School staff must make a “reasonable attempt” to notify the parent within 24 hours of using recess detention.

• Recess detention cannot be used for incomplete schoolwork.

• Schools must not withhold or excessively delay a student’s scheduled mealtimes (this does not alter a school’s existing responsibilities in state or federal law).

• Schools must compile information on each recess detention at the end of each school year (including the student’s age, grade, gender, race or ethnicity, and special education status).
  o This information must be available to the public upon request.
  o Schools are encouraged to use this data in professional development promoting nonexclusionary discipline.

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EFFECTIVE DATE - 2023-2024 SCHOOL YEAR