

### 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 breath 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*).
  - This information must be available to the public upon request.
  - Schools are encouraged to use this data in professional development promoting nonexclusionary discipline.

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**EFFECTIVE DATE - 2023-2024 SCHOOL YEAR**