

ISLA STUDENT DISMISSAL POLICY

I. PURPOSE

The purpose of this policy is to describe the procedure for dismissing students from their educational programs for violations of the ISLA Code of Conduct and the ISLA Student Discipline Policy. It is the School Board's policy that the School will take appropriate disciplinary action if individuals fail to adhere to the Code of Conduct. While the great majority of disciplinary actions will not require dismissal—suspension, expulsion, or exclusion—this policy recognizes that these actions may sometimes be required.

II. DISMISSAL

- a. "Dismissal" means the denial of the current educational program to any student, including exclusion, expulsion, and suspension. Dismissal does not include removal from class. (Refer to the Student Discipline Policy for removal from class.)
 1. The School shall not deny the due process or equal protection of the law to any student involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.
 2. 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 an immediate and substantial danger to self or to surrounding persons or property.
- b. 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:
 1. Willful violation of any reasonable School Board regulation, including those found in this policy;
 2. Willful conduct that significantly disrupts the rights of others to an education, or the ability of School personnel to perform their duties, or School sponsored extracurricular activities; or
 3. Willful conduct that endangers the student or other students, or surrounding persons, including School employees, or property of the School.
- c. Suspension Procedures
 1. "Suspension" means an action by the School administration, under rules promulgated by the School Board, prohibiting a student from attending School for a period of no more than ten (10) School days. This definition does not apply to dismissal for one (1) School day or less, except as may be provided in federal law for a student with a disability.
 2. If a student's total days of removal from School exceed ten (10) cumulative days in a School year, the School shall make reasonable attempts to convene a meeting with the student and the student's parent(s) or guardian before subsequently removing the student from School and, with the permission of the parent(s) or guardian, arrange for a mental health screening for the student at the parent(s)' or guardian's expense. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent(s) or guardian should have the student assessed or diagnosed to determine whether the student need treatment for a mental health disorder.

3. Each suspension action may include a readmission plan. The plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission which must not be used to extend the current suspension. A readmission plan must not obligate a parent(s) or guardian to provide psychotropic drugs to their student as a condition of readmission. School administration must not use the refusal of a parent(s) or guardian to consent to the administration of psychotropic drugs to their student as a ground, by itself, to prohibit the student from attending class or participating in a School-related activity, or as a basis or a charge of child abuse, child neglect, or medical or educational neglect. The School administration may not impose consecutive suspensions against the same student for the same incident of misconduct, except where the student will create an immediate and substantial danger to self or surrounding persons or property or where the School is in the process of initiating an expulsion, in which case the School administration may extend the suspension to a total of fifteen (15) days.
4. In the case of a student with a disability, the IEP team shall meet immediately but not more than ten (10) School days after the date on which the decision to remove the student from the student's current education placement is made. The IEP team shall, at the meeting, conduct a review of the relationship between the student's disability and the behavior subject to disciplinary action, and determine the appropriateness of the student's education plan.
 - (a) The requirements of the IEP meeting apply when: (1) the parent requests a meeting; (2) the student is removed from the his or her current placement for five (5) or more consecutive days; or (3) the student exceeds ten (10) cumulative days of removal from his or her placement during the School year. The School administration shall implement alternative educational services when the suspension exceeds five (5) days. A separate administrative conference shall be conducted for each period of suspension.
5. The School administration shall implement alternative educational services when the suspension exceeds five (5) days. Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptation, instruction through electronic media, special education services as indicated by appropriate assessments, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center selected to allow the student to progress toward meeting graduation standards, although in a different setting.
6. The School administration shall not suspend a student from School without an informal administrative conference with the student. The informal administrative conference shall take place before the suspension, except where it appears that the student 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. At the informal administrative conference, a School administrator shall notify the student of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the student may present his or her version of the facts. A separate administrative conference is required for each period of suspension.
7. 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 the Minnesota Pupil Fair Dismissal Act, be personally served upon the student at or before the time the suspension is to take effect, and upon the student's parent(s) or guardian by mail within forty-eight (48) hours of the conference.

8. The School administration shall make reasonable efforts to notify the student's parent(s) or guardian of the suspension by telephone as soon as possible following suspension.
 9. In the event a student is suspended without an informal administrative conference on the grounds that the student will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the student and the student's parent(s) or guardian within forty-eight (48) hours of the suspension. Service by mail shall be complete upon mailing.
 10. Notwithstanding the foregoing provisions, the student may be suspended pending the School Board's decision in an expulsion or exclusion proceeding, provided that alternative educational services are implemented to the extent that suspension exceeds five (5) days.
- d. Expulsion and Exclusion Procedures
1. "Expulsion" means a School Board action to prohibit an enrolled student from further attendance for up to twelve (12) months from the date the student is expelled. The authority to expel rests with the School Board.
 2. "Exclusion" means an action taken by the School Board to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the School year. The authority to exclude rests with the School Board.
 3. All expulsion and exclusion proceedings will be held pursuant to and in accordance with the provisions of the Minnesota Pupil Fair Dismissal Act.
 4. No expulsion or exclusion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the student and parent(s) or guardian.
 5. The student and parent(s) or guardian shall be provided written notice of the School's intent to initiate expulsion or exclusion proceedings. This notice shall be served upon the student and his or her parent(s) or guardian personally or by mail, and shall contain a complete statement of the facts; a list of the witnesses and a description of their testimony; state the date, time, and place of hearing; be accompanied by a copy of the Pupil Fair Dismissal Act; describe alternative educational services accorded the student in an attempt to avoid the expulsion proceedings; and inform the student and parent(s) or guardian of their right to: (1) have a representative of the student's own choosing, including legal counsel at the hearing; (2) examine the student's record before the hearing; (3) present evidence; and (4) confront and cross-examine witnesses. The School shall advise the student's parent(s) or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Minnesota Department of Education (MDE).
 6. The hearing shall be scheduled within ten (10) days of the service of the written notice unless an extension, not to exceed five (5) days, is requested by the School, student, parent(s) or guardian.
 7. All hearing shall be held at a time and place reasonably convenient to the student, parent(s), or guardian and shall be closed for purposes of the Minnesota Government Open Meeting Law, unless the student, parent(s) or guardian requests an open hearing.
 8. The School shall record the hearing proceedings at its expense, and a party may obtain a transcript at its own expense.
 9. The student shall have a right to a representative of the student's own choosing, including legal counsel, at the student's sole expense. The School shall advise the student's parent(s) or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from MDE. The

10. If the student designates a representative other than the parent(s) or guardian, the representative must have a written authorization from the student and the parent(s) or guardian providing them with access to and/or copies of the student's records.
11. All expulsion or exclusion hearings shall take place before and be conducted by an independent hearing officer designated by the School. The hearing shall be conducted in a fair and impartial manner. Testimony shall be given under oath and the hearing officer shall have the power to issue subpoenas and administer oaths.
12. At a reasonable time prior to the hearing, the student, parent(s) or guardian, or authorized representative shall be given access to all School records pertaining to the student, including any tests or reports upon which the proposed dismissal action may be based.
13. The student, parent(s) or guardian, or authorized representative, shall have the right to compel the presence of any School employee or agent or any other person who may have evidence upon which the proposed dismissal action may be based, and to confront and cross-examine any witnesses testifying for the School.
14. The student, parent(s) or guardian, or authorized representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.
15. The student cannot be compelled to testify in the dismissal proceedings.
16. The hearing officer shall prepare findings and a recommendation based solely upon substantial evidence presented at the hearing, which must be made to the School Board and served upon the parties within two (2) days after the close of the hearing.
17. The School Board shall base its decision upon the findings and recommendation of the hearing officer and shall render its decision at a meeting held within five (5) days after receiving the findings and recommendation. The meeting of the School board to consider this decision shall be closed to consider student educational data, pursuant to the Minnesota Government Open Meeting Law. The School Board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's findings and recommendation 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 (Commissioner) of the basis and reason for the decision.
18. A party to an expulsion or exclusion made by the School Board may appeal the decision to the Commissioner within twenty-one (21) calendar days of School Board action. The decision of the School Board shall be implemented during the appeal to the Commissioner.
19. The School shall report any suspension, expulsion, or exclusion action taken to the appropriate public service agency, when the student is under the supervision of such agency.
20. The School must report, through the MDE electronic reporting system, each expulsion or exclusion within thirty (30) days of the effective date of the action to the Commissioner. This report must include a statement of alternative

21. Whenever a student fails to return to School within ten (10) School days of the termination of dismissal, a School administrator shall inform the student and his or her parent(s) or guardian by mail of the student's right to attend and to be reinstated in the School.

III. ADMISSION OR READMISSION PLAN

A School administrator 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 student's behavior, including completing a character education program and require parental involvement in the admission or readmission process, and may indicate the consequences to the student of not improving the student's behavior. The readmission plan must not obligate the student's parent(s) or guardian to provide a sympathomimetic medication for their child as a condition of readmission.

IV. 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 teacher, principal, or other School official may provide additional notification as deemed appropriate.

V. 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.

VI. SPECIAL EDUCATION STUDENTS

- a. 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.
- b. Where a student with an IEP is dismissed for five (5) or more consecutive days, or has accumulated more than ten (10) days of dismissal over the course of the School year, the School will convene a meeting to determine whether the student's educational program is appropriate and to review all relevant information in order to determine whether the behavior subject to discipline is a manifestation of the student's disability. Such a meeting must be held within ten (10) School days of the School's decision to remove the student from his or her current educational placement and must be held before commencing an expulsion or exclusion of the student. If the student's educational program is appropriate and the behavior of the student is not a manifestation of the student's disability, the School will proceed with discipline—up to and including expulsion—as if the student did not have a disability, unless the student's education program provides otherwise. If the team determines that the behavior subject to discipline is a manifestation of the student's disability, the team shall conduct a functional behavioral assessment and implement a behavioral intervention plan for such student provided that the School had not conducted such assessment prior to the manifestation determination before the behavior that

- c. When a student who has an IEP is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the School shall continue to provide special education and related services during the period of expulsion or exclusion.

VII. DISTRIBUTION OF POLICY

The School will notify students, parents, teachers, staff, and visitors of the existence and contents of this policy in such manner as it deems appropriate. Copies of this policy will be made available to teachers and staff upon appointment to their designated roles, and annually thereafter. The policy will also be made available to students, parents, volunteers, visitors and others as appropriate for different situations. This policy shall also be available upon request in the Executive Director's office.

VIII. REVIEW OF POLICY

The Executive Director and representatives of parents, students, and staff shall confer periodically to review this policy, determine if the policy is working as intended, and to assess whether the discipline policy has been enforced. Any recommended changes shall be submitted to the Executive Director for consideration by the School Board, which shall conduct periodic review of this policy.

Adopted: August 10, 2010