



Adopted: 8/2009
Revised: 8-14-2023

Student Restorative Practices/Disciplinary Policy

I. PURPOSE

The purpose of this policy is to ensure that all students, parents, caregivers, staff, and all those involved with East Range Academy of Technology and Science are aware of and comply with the school's guidelines for student conduct. Compliance with this policy will enhance the school's ability to maintain restorative/disciplinary practices and to assure there will be no interference with the educational process for anyone involved with East Range Academy.

II. GENERAL STATEMENT OF POLICY

The East Range Academy School Board believes that individual responsibility, mutual respect, and a self-regulation school population are essential components for the maintenance of the educational process and of a free society. These practices are used to build healthy relationships and create a community in school, develop a positive school climate, prevent bullying and harm, and help repair harm. Restorative practices apply equally to everyone in the school community: students, adults, families, and community members.

All students at East Range Academy are entitled to learn and grow in a setting that promotes respect for self, consideration of the rights of other students and school personnel, and respect for all property. Schools can function effectively only with a mutual understanding of rights and responsibilities.

Students should conduct themselves in an appropriate way in order to maintain an atmosphere in which learning can take place uninterrupted. Proper behavior from students is necessary to facilitate high student achievement.

While this policy emphasizes the self-regulation of students, it is recognized that incidents may arise that will require school administration to carry out restorative practices or disciplinary measures when necessary. It is the position of East Range Academy that a fair and equitable student restorative/disciplinary practices policy will contribute to the quality of each student's educational

experience. This policy is adopted in accordance with and subject to the Minnesota Pupil Fair Dismissal Act, MN Statute 127.26-127.39. East Range Academy will take appropriate restorative behavior/disciplinary action when students fail to adhere to the regulation established in this policy.

III. DEFINITIONS

- A. "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.
- B. "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.
- C. "Prone restraint"- means placing a child in a face-down position.
- D. "Physical holds" - means any form of physical hold that restricts a student's ability to breathe or communicate distress, results in straddling a student's torso, placing pressure on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen.

IV. AREAS OF RESPONSIBILITY

A. EAST RANGE ACADEMY BOARD OF DIRECTORS:

The Board of Directors will approve the creation of and all amendments to this restorative/disciplinary practices policy. The Board shall hold all school personnel responsible for the maintenance of order on school property and shall support all staff acting within the framework of this policy. East Range Academy will follow nonexclusionary disciplinary policies and procedures.

The Board of Directors will report student withdrawals through the MDE electronic reporting system, including each pupil withdrawal and a statement of nonexclusionary disciplinary practices. This is in accordance with MN Statute 121A.53 subd. 1.

B. ADMINISTRATION:

The administration shall establish guidelines and rules to carry out this policy. The administration will hold all school staff members responsible for adhering to this policy and will support all school personnel while they perform their responsibilities regarding this policy. The administration will also establish guidelines for the use of services and appropriate agencies that may be needed to assist the Dean of Students/Behavior Interventionist and staff, regarding the

implementation of this policy. All amendments needed to implement this policy will be submitted to the Board for approval.

C. DEAN OF STUDENTS/BEHAVIOR INTERVENTIONIST:

The Dean of Students/Behavior Interventionist is given the responsibility and the authority to create rules for the school that are necessary to enforce this policy, subject to final approval by the Board. The Dean of Students/Behavior Interventionist will consult with the parents/caregivers of students conducting themselves in a manner contrary to this policy. The Dean of Students/Behavior Interventionist shall also involve other employees and outside professionals as needed for referrals regarding student behavior when appropriate to assist students, staff, and parents/caregivers.

The Dean of Students/Behavior Interventionist shall be responsible for disseminating the rules and regulations currently in effect for the school to faculty, students, and parents/caregivers at the beginning of each school year and to each new student upon enrollment at East Range Academy.

The Dean of Students/Behavior Interventionist has the authority to issue suspensions and/or recommend to the Board the exclusion or expulsion of a student consistent with guidelines of Minnesota Pupil Fair Dismissal Act, for violations of law or failure to comply with school rules.

D. TEACHERS:

All teachers will be responsible for providing a well-planned teaching and learning environment. Teachers also have the primary responsibility for student conduct with appropriate assistance from the administration. Teachers are responsible for enforcing East Range Academy's rules and regulations.

Teachers have the authority to:

- Make clear to their students the standards of behavior that are required within their classrooms. A copy of the teacher's rules and standards should be posted in the classroom, included in the syllabus, and distributed to the students by the teacher. These rules must be consistent with the guidelines outlined in this policy.
- Report any violations of the rules or restorative/disciplinary practices policy to the Dean of Students/Behavior Interventionist.
- Assign extra classroom obligations.
- Request a parent/ guardian conference.
- Refer special problems to the Dean of Students/Behavior Interventionist or, for students with disabilities, to the Special Education Coordinator.
- Use reasonable measures to maintain control in the classroom, school, and school grounds.
- Remove a student from class pursuant to this restorative/disciplinary practices policy.

E. STAFF RESPONSIBILITIES:

All East Range Academy staff members are responsible for contributing to an atmosphere of mutual respect within the school. Staff members are required to attend and incorporate techniques learned from de-escalation, restorative practice, and any other training deemed necessary for nonexclusionary discipline practices.

F. PARENTS AND CAREGIVERS:

Parents/caregivers are expected to cooperate with school authorities and to participate in the behavior of their children. parent/caregivers shall provide the school with information on how they can be contacted. Parents/caregivers should report to the Dean of Students/Behavior Interventionist any information they may have regarding any illegal activities or violations of school rules that threaten the health, safety, or property of others. Caregivers are expected to oversee student transportation in the event of a behavioral incident resulting in a student needing to leave school grounds or an off-campus event in a timely manner (within an hour of school contact). If the parent/caregiver cannot pick-up the student in person, the parent/caregiver will find a ride for the student.

G. STUDENTS:

All students have the responsibility and accountability:

- For their behavior and for knowing and obeying all school rules, policies, and procedures.
- To attend school daily, except when excused, and to be on time for all classes and other school functions.
- For completing class work on time as instructed by the teacher.
- To care for all instructional materials and to bring all materials required for daily use.
- To pursue and attempt to complete the courses of study prescribed by the state and local school authorities.
- To make up work when absent from school.
- To cooperate with all staff on school property, on school-provided transportation, and at all school-sponsored off-campus events.
- To cooperate with school staff in disciplinary cases, including investigations.
- To report any illegal activities or serious violations that threaten the health, safety, or property of themselves or others.
- To respect the school's property and the property of others.
- To dress and groom in a manner that meets standards of safety, health, and social decency.
- Refrain from indecent or obscene language.
- To conduct themselves in an appropriate physical and verbal manner and to respect the rights of others.

V. STUDENT RIGHTS

All students have the right to a free public education. However, **rights bring responsibilities**. The rights of the individual are preserved only by the protection and preservation of the rights of others. This statement of rights and responsibilities is not expected to cover every situation that may arise.

Students have:

- a. The right to learn in a safe environment free from fear.
- b. The right to express opinions, take stands, and support causes publicly or privately, provided such expressions are not libelous or obscene and do not interfere with the rights of others or disrupt or distract from the atmosphere of learning.
- c. The right to be informed of all policies, rules, and regulations they are expected to follow. Copies of these rules governing the code of conduct will be available at school orientation and on the school's website.
- d. The right to privacy.
School records will be protected and disclosure of information from students' permanent records shall be consistent with legal requirements.
- e. The right to be secure in their persons, papers, and effects; however, they must not bring to school or school-sponsored events any item or material that would cause a disruption or endanger the health and safety of students or other persons. When reasonable cause exists for a school official to believe that such items are present, general or individual searches may be conducted under the authorization of the Dean of Students/Behavior Interventionist or a representative designated by the Dean of Students/Behavior Interventionist.

Student storage areas are the property of the school. At no time does the school relinquish its exclusive control of the student storage areas that are provided for the convenience of students. Inspection of the interior of student storage areas may be conducted by school authorities for any reason at any time without notice or student consent. The personal possessions of students within a cubicle may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of the law or school rules. Any illegal items found may be seized by school officials and local law enforcement will be contacted. Any items which disrupt, distract from, or interfere with the educational process may also be removed from student possession.

When school officials deem it appropriate or necessary, law enforcement and/or licensed contracted services may perform random searches of the school, including student storage areas by canines, without prior notice to the students.

VI. STUDENTS WITH DISABILITIES

Students with disabilities being served on an Individual Education Plan (IEP) are expected to follow the restorative/disciplinary practices policy in the same manner as other students. Standard disciplinary action, or variance from that action, must be stated in each IEP. Specific exceptions to the code of conduct related to the manifestation of the student's disability will also be included in the student's IEP.

VII. TRANSPORTATION

Transportation provided to students by East Range Academy is not only a service but a privilege. All school restorative/disciplinary practices policies apply to student behavior during transportation to and from school and all school-sponsored activities. Transportation personnel will forward all bus conduct reports to the Dean of Students/Behavior Interventionist. If the student's transportation privileges are suspended, it is the responsibility of the parent/ guardian to provide transportation to and from school.

VIII. STUDENT CODE OF CONDUCT

Any student who engages in any of the following activities shall be held accountable in accordance with this policy which applies to all school buildings, property, school-sponsored activities or trips, bus stops, buses, and vehicles:

- Damage to or destruction of school property or the property of others including, but not limited to, arson, breaking and entering, theft, robbery, possession of stolen property, extortion, trespassing, unauthorized usage, or vandalism.
- Profanity, derogatory, obscene, or gaslighting language, or the possession of obscene materials.
- Gambling.
- Improper use of computers or technology including, but not limited to inappropriate photos, writing or communicating threats to others, pornography, hacking, letting unauthorized people use school computers, or fraud.
- Hazing. (*see Policy #507: Student Hazing*)
- Truancy, chronic absenteeism, tardiness, skipping classes, or leaving school grounds without permission.
- Acts of violence, or violent opposition to reasonable staff directives.
- Using, possessing, or distributing tobacco or tobacco products.
- Using, possessing, distributing, or being under the influence of alcohol, narcotics, drugs or other controlled substances, except as prescribed by a physician.
- Carrying medications on their person. This includes prescribed medication by a physician and over-the-counter medications as stated in Board Policy #513 (*Student Medicine in School*). Any and all medications should be reported and given to the school Nurse.
- Refusal to relinquish contraband items including but not limited to alcohol, narcotics, drugs, or other controlled substances, including prescribed medication, paraphernalia, weapons, etc.
- Using, possessing, or distributing drug paraphernalia.

- Using, possessing, or distributing weapons or other dangerous objects including, but not limited to ammunition, chemicals, projectiles, fireworks, or explosives.
- Violation of any local, state, or federal law as appropriate.
- Disruptive behavior includes, but is not limited to disobedience, disrespect, defiance, failure to identify oneself, improper activation of fire alarms, or threats of violence including the staging or reporting of dangerous or hazardous situations that do not exist (e.g., bomb threats).
- Causing distractions with nuisance devices including, but not limited to: cellphones, and audio/visual equipment such as stereos, speakers, and sound systems. Such devices may be temporarily confiscated by the Dean of Students/Behavior Interventionist or any staff member including drivers, teachers, and other staff.
- Violation of school bus or transportation rules or the school bus safety policy.
- Violation of parking or school traffic rules including, but not limited to driving on school property in such a manner as to endanger persons or property.
- Violation of rules relating to student storage areas.
- Possession or distribution of pornographic materials.
- Student attire or personal grooming which creates a disruption to the educational process, including lewd, vulgar, or obscene messages; references to alcohol, tobacco, or drugs; images communicating a message that is racist, sexist, or otherwise derogatory toward anyone; or words or images which imply gang affiliation or representation.
- Criminal activity.
- Falsification of any records, documents, notes, or signatures via physical or digital means.
- Scholastic dishonesty, which includes, but is not limited to cheating, plagiarism, or collusion.
- Acts of harassment and/or malicious and sadistic aggression or violence including, but not limited to physical, verbal, sexual, and digital.
- Committing an act that inflicts great bodily harm upon another person even though accidental or a result of poor judgment.
- Refusal of search, if deemed a threat to themselves or others
- Other acts, as determined by East Range Academy, which are disruptive of the educational process or dangerous or detrimental to the student or other students, school staff which violate the rights of others or which damage or endanger the property of the school or which otherwise interferes with or obstructs the mission or operations of East Range Academy or the safety or welfare of students or employees.

IX. DISCIPLINARY ACTIONS:

It is the general policy of East Range Academy to utilize progressive restorative/disciplinary practices including Multi-Tiered Systems of Support (MTSS) to the extent reasonable and appropriate based on the specific facts and circumstances of student misconduct. The specific form of restorative/disciplinary practices chosen in a particular case is solely within the discretion of East Range Academy. At a minimum, a violation of school rules, policies, or procedures will result in a discussion of the violation and a verbal warning. Further disciplinary action may include, but is not limited to, one or more of the following:

- Verbal warning
- Loss of technology/electronic device privileges
- Student conference with the teacher, Dean of Students/Behavior Interventionist, counselor, and/or Director
- Parent contact
- Removal from class
- In-school suspension
- Suspension from extracurricular activities (ERATS will use a variety of non-exclusionary disciplinary policies and practices prior to the dismissal of any pupil)
- Loss of student storage areas
- Restriction or loss of school privileges
- In-school behavior monitoring
- Referral to community resources or outside agency services
- Financial restitution
- Placement in an alternative educational setting (ie PLS, packet work from home, afternoon school)
- Referral to police, other law enforcement agencies, or other appropriate authorities
- Out-of-school suspension (ERATS will use a variety of non-exclusionary disciplinary policies and practices prior to the dismissal of any pupil)
- Preparation of an admission or behavioral readmission plan
- Expulsion under the Pupil Fair Dismissal Act
- Exclusion under the Pupil Fair Dismissal Act
- Other disciplinary action as deemed appropriate by East Range Academy

Any student suspended three or more times may be recommended to the Board of Directors for expulsion under the Pupil Fair Dismissal Act.

East Range Academy will use Tiered Levels of Support for Students, Staff, Families, and Community. Multi-tiered systems of support (MTSS) are a framework for systematically addressing the academic, social, emotional, and behavioral developmental needs of students. Restorative practices (RP) in a school can be applied in multiple ways using the MTSS framework.

Tier One:

- Staff can promote a sense of belonging by listening with care, curiosity, concern, and empathy. They can listen without interrupting the speaker.
- Staff can promote a sense of belonging by applying a cultural understanding of eye contact and the use of physical proximity when they talk with students. Proximity includes walking together, standing side by side, or sitting so as to be at face-level with the student.
- Staff can model empathy through listening and speaking in a way that names feelings and keeps attention on the young person and their story. For example, “I feel excited for our new classmate to get to know us!”
- Staff and students use a circle to ensure all voices are heard. The circle process can be used to build

community in the classroom and in the staff room, to teach academic subjects, to address conflict in the classroom, and to promote youth voice using youth-leadership circles.

- Staff and students can create teaching posters to reinforce the circle practice, the building or classroom values, and the restorative questions. The materials for a circle—talking pieces, centerpieces, and the class’s circle community agreements—are visible and easily accessible.
- Staff can provide access and opportunity for families and community members to learn about RP through an RP newsletter, a video explaining RP, or an orientation to RP.
- Staff can engage family members in a circle at parent- or family-teacher conferences, Individual Education Program (IEP) and Parent Teacher Association (PTA) meetings, etc.

Tier Two:

- Staff use and model “I” statements, naming feelings and listening with empathy when there is conflict.
- Staff can help re-direct students or whole classrooms by circling up to review values or common agreements with the community.
- Staff can help address conflict by facilitating problem-solving circles in the classroom or building.
- Staff can help repair relationships in the classroom by facilitating a restorative chat or conversation with one or two students, using the restorative questions. Staff can help repair relationships in the classroom by facilitating a small group conference with three or four students, or by keeping classroom circles so the students, teacher, educational assistants, support staff, and other building staff can address conflict, difficulties or disruptions in the classroom or school.
- Students and family members and staff can all help address conflict or relationship difficulties by asking for a circle.

Tier Three:

- Staff, either district staff or community partners, can facilitate rebuilding relationships using either circle or conferencing to repair harm, family group conferencing, or a restorative process for re-entry. In setting up these processes, attention is paid to ensuring that the needs of the people affected by harm are addressed and that both professional, peer, and familial supports are engaged.
- Staff and students prepare for conversations, circles, or conferences by identifying what the harm was, who was affected by it, and what the needs are to be addressed. Participants are invited to repair harm and prepare for the repairing process.
- All members of the school community can benefit from repairing relationships: students and students, staff and students, staff and staff, staff and parents and family members, the school and the community.
- Staff and students who have facilitated or participated in restorative conversations, circles or conferences can debrief the repair-of-relationship processes, to ensure quality and to learn from difficulties.

X. 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.”

The Dean of Students and/or Behavior Interventionist will give written notice of intent to *exclude or expel* a student and their parent or caregiver, which must include a description of the nonexclusionary disciplinary practices used with the student in attempting to avoid the expulsion proceedings and information about free or low-cost legal assistance posted on the MDE website (MN Statute 121A.47 subd. 2).

XI. PUPIL WITHDRAWAL AGREEMENTS

Pupil Withdrawal Agreements are verbal or written agreements between a school administrator or district administrator and a pupil's parent or caregiver 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 (MN Statute 121A.45 subd.13).

XII. STAFF LIAISON

The Dean of Students and Behavior Interventionist will work between teachers and suspended students to help them receive timely materials and information and complete daily and weekly assignments and receive teacher feedback (MN Statute 121A.46).

XIII. READMISSION PLAN

East Range Academy will 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 will be made. Readmission plans do 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) (MN Statute 121A.47 subd. 14).

XIV. PROVISION OF ALTERNATIVE EDUCATION SERVICES

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* (MN Statutes 121A.46 subd. 4)

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 (MN Statutes 121A.46).

XV. RESTRAINTS/HOLDS

School employees or agents of a district (including school resource officers or security personnel) are prohibited from using a prone restraint (placing a child in a face-down position) on a student. Physical holds of any form that restricts a student's ability to breathe or communicate distress, results in straddling a student's torso, placing pressure on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen (MN Statute 121A.58).

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).

XVI. RECESS AND OTHER BREAKS

East Range Academy will 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. East Range Academy will not withhold or excessively delay a student's scheduled mealtimes (this does not alter a school's existing responsibilities in state or federal law). East Range Academy will use this data in professional development promoting nonexclusionary discipline. (MN Statute 121A.611).

XVII. FILING A COMPLAINT

Any member of the school community who would like to file a complaint regarding our discipline policies and/or implementation of said policies can do so via form 408-428 located on our school website under Board policies so their concern can be evaluated by a designated party. Paper forms can be requested by contacting the school office.