

The Journey School's Rights and Responsibilities Handbook for Students, Staff and Families



Foreword

This Handbook is a guide to student behavior. The Journey School (TJS) Board of Education creates and adopts policies to guide the actions of everyone in the district. The Director develops procedures to show how these policies will be implemented at TJS. Teachers and other staff then work with students to set and follow the expectations for how they will work together in each classroom. Adult staff members are held to high standards of behavior and are subject to all applicable laws, Board of Education policies, and Human Resources' rules and practices.

The guidelines and regulations regarding student behavior and discipline in this handbook fulfill the Board of Education's policies as stated in TJS Board Policies and Minn. Stat. § 121A.55(a).

The Handbook applies to conduct occurring:

1. On school property, on school district-provided transportation, or at designated locations for students to wait for school district-provided transportation.
2. During any school-sponsored or school-sanctioned program, activity, event or trip.
3. Using school computers, electronic technology, networks, forums, or mailing lists.
4. Using electronic technology off the school premises that materially and substantially disrupts a student's learning or the school environment.
5. This handbook may also apply to incidents involving TJS students if an unapproved connection or association to TJS or its staff is explicitly or implicitly stated or inferred (for example, hazing).

If you have questions about anything you read here, please contact your child's teacher or the Director. To review the entire handbook online, visit <https://www.thejourneyschool.org/policies>

If you would like to receive this information in another language, please contact us.

Table of Contents

Shared Responsibilities	5
Positive School Culture	6
Student Rights and Responsibilities	8
Standards of Student Behavior	15
Levels of Behavior Violations	16
Behavior Violations and Level Responses	19
Discipline Processes	28
Discipline Processes: Students with Disabilities	31
Guidelines for Bus Safety	33
Guidelines for Lost / Stolen / Damaged Technology and Accessories	35
Technology Overview	35
Glossary of Terms	37
Appendix I - Board of Education Policies	50
Appendix II – Minnesota Pupil Fair Dismissal Act	60
Resources and Assistance	68
Parent/Guardian Guide and Refusal for Student Participation in Statewide Testing	69

Hello,

On behalf of The Journey School's faculty and staff, I would like to welcome you to the start of a new school year! Our theme for the school year is ***"Journey with Power, Lead with Purpose."***

We are excited to partner with you on your child's life-long journey to success! We recognize that in order to be successful in school, our students need support from both home and school. We know that our partnership will make a difference in their lives. We are looking forward to partnering with you to ensure that our students can achieve their highest potential in all that they say and do.

Your child's teacher will be contacting you to set up a Back to School/Orientation Meeting in August.

Please note that our uniform policy has been updated to: **"All students are required to wear the school uniform. The colors for the uniform tops are: purple, black or gray; and the colors for shorts/skirts/pants are: black chinos or gray chinos. Students are not required to wear their school uniform on Fridays."** Uniform tops may be purchased from TJS.

Please join us for our Back to School Picnic on Tuesday, August 26th from 5:00 –7:00 PM. There will be fun, food, and fellowship for all.

As Director, my door is always open. I strongly believe that parental involvement is a key factor in student achievement and a key factor in successful schools. Please do not hesitate to reach out to me at any time if you have questions or concerns.

Thank you for your support, and I look forward to seeing you on August 26th!

Respectfully,

Mrs. Cambrice
Director

The first day of school is Tuesday, September 2nd for grades 1st – 8th

The first day of school for Kindergarten is Thursday, September 4th

Doors will open at 8:00 AM

Breakfast is served 8:00 AM – 8:30 AM

The school day is 8:30 AM – 3:15 PM

The Journey School (TJS) Mission is "To provide all students with the values, skills, and knowledge needed to embark on their life-long journey to success."

Shared Responsibilities

Increasing Respect, Responsibility and Safety

TJS strives to create a safe and welcoming place for all students. All of us help create this positive and respectful learning environment. The table below offers a summary of the responsibilities we share to create a positive school and district culture:

	Students	Parents/Guardians	All TJS Staff
Beliefs	Believe that you have the capacity to be your best self, achieve your dreams and change the world.	Believe your child has the capacity to be their best self, achieve their dreams and change the world.	Believe staff have the capacity to support students in being their best selves, achieving their dreams and changing the world.
Positive Relationships	Build, maintain and restore positive relationships with all staff. Consider an adult in the building you feel comfortable going to with questions and concerns.	Build, maintain and restore positive relationship with staff at the school.	Build, maintain and restore positive relationships with all students and their families.
Respect	Respect yourself, the learning environment, other students, their parents/guardians, families and all staff.	Respect and support the learning environment and emphasize the importance of being respectful in school.	Develop a learning community and a respectful environment that supports social-emotional and academic success.
Support	Ask for and accept help when you need assistance.	Ask for help when you need assistance. Advocate for your child through regular communication with school staff.	Regularly communicate with students and families. Support them when they ask for assistance.
 Attendance	Attend class every day on time, ready to learn and give your best effort.	Make sure your child arrives at school every day on time and prepared to learn.	Create a welcoming environment. Have high expectations for all students.
Expectations and Procedures	Learn and follow school expectations and procedures.	Learn and talk with your child about the expectations and procedures at their school.	Teach, model and reinforce school expectations and procedures. Follow the school-wide discipline plan.
Technology Use	Use technology and equipment in a responsible way.	Review the technology agreement with your child.	Tailor instruction for student voice and choice within a technology rich learning environment. Teach and review appropriate use of technology.
Learn	Personalize your learning by bringing your creativity to your assignments.	Encourage your child's passion to learn and grow toward their own goals for college and career.	Provide personalized, engaging and academically appropriate instruction, including culturally responsive teaching that represents and invites students' identities.
Safety	Conduct yourself in a manner to ensure your safety and the safety of others.	Contact your child's school if you observe or are aware of potentially unsafe activities or conditions.	Create and monitor safe conditions in the school environment. Actively supervise all student areas.

Positive School Culture

TJS recognizes the importance of positive school culture and providing quality supports to students and staff. In addition to the Director, administrators, teachers, intervention specialists and many other school staff members, teams of specialized support personnel provide guidance to support students and remove barriers to learning. A positive school culture is vital for TJS to inspire all students to think critically, pursue their dreams and change the world. Below is a summary of the proactive approach used to create a welcoming environment and positive culture.

Positive Behavioral Interventions and Supports (PBIS): A Framework for All Schools

Positive Behavioral Interventions and Supports (PBIS) is an educational, preventive, and restorative approach to behavior. This approach helps TJS create and sustain effective and culturally-inclusive environments that support academic and social success for all students. TJS use PBIS to teach school-wide expectations to all students and recognize students who meet those expectations. Small group and individualized supports are also provided in this approach.

The following systems and practices are foundational to PBIS implementation:

- clear and consistent school-wide expectations that promote positive behavior. These expectations, which reflect the school community, values and culture, are defined, taught, modeled, reinforced and (when necessary) retaught.
- collect and use data (student and staff) to guide how they teach and reinforce the expectations for individual students, groups of students, whole classrooms and school-wide. Data is also used to identify students in need of additional support and match them to interventions and support.
- continually refines its systems and practices as needs change. The goal is to provide positive and equitable behavioral, social, and academic outcomes for all students.

TJS designs its own three-tiered system:

- **Tier 1: All** students learn the behavior expectations at school. Staff members teach, model and reinforce these expectations throughout the school year.
- **Tier 2: Some** students receive small-group interventions to practice the behavior taught in Tier 1.
- **Tier 3: A few** students receive individualized interventions and support.

At each tier, students learn and practice the social-emotional and behavioral skills they need to do well in school and throughout their lives. Supports provided at each tier involve the integration and alignment of practices, programs and supports listed on the next page.

Restorative Practices

Restorative Practices are ways for a school community to build relationships, problem solve and learn together. In this approach, relationships are the most important way we learn about the world and ourselves. A Restorative Practice school and community believe:

- Everyone in the school community is good, wise, and powerful.
- We are all connected to one another.
- All of us want to be in good, healthy relationships with others.
- We all have talents and gifts we bring to school.
- It takes time, habits and support to build and maintain positive relationships.

Social-Emotional Learning

Social and Emotional Learning is how children and adults learn how to manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions. All work collaboratively to support social-emotional learning through HeartMath as well.

Mental Health and Wellness

Mental Health and Wellness refers to the continuum of emotional support available to students and staff. These supports strive to create a **safe** learning environment, maximize **collaboration** between students and adults, provide students with **choices**, create **trusting** relationships, and empower students to do their best.

Student Rights and Responsibilities

Students who attend TJS have rights and opportunities. Students also have responsibilities to teachers, other staff and fellow students. Students have other rights guaranteed by the Constitution and by state and local laws. The rights and responsibilities in this summary are not all-inclusive and do not cover every situation that may arise. This section describes student rights, opportunities and responsibilities in TJS.

Access to Records

Rights/Opportunities

- Students' parents/guardians and eligible students under federal law generally have the right to view their school records according to state and federal laws.
- Students have the right to privacy regarding their school records. Any disclosure of information from student records will be consistent with legal requirements and policy established by the school district.

Responsibilities

- Eligible students are responsible for following established building and school procedures regarding access to their school records.

Attendance and Tardiness

Rights/Opportunities

- Absence or tardiness of students because of religious holidays and observances shall be recorded as excused absences or tardiness at the written request of the parent/guardian. For more details at <https://www.thejourneyschool.org/policies>

Responsibilities

- Students are expected to be in class. Students are responsible for following the school's procedures, i.e. obtaining a pass from a staff person, when late for class or if there is a need to leave class.
- Students and parents/guardians are responsible for following the school's attendance and tardiness rules and procedures.
- Students and parents/guardians are responsible for notifying the school (e.g., a written note, phone call) before an absence or upon returning to school after an absence.
- Students and parents/guardians are responsible for notifying the school if the student must leave during the school day. For more details at <https://www.thejourneyschool.org/policies>

Cellular Phones & Personal Electronic Devices

Rights/Opportunities

Students are not to use a school telephone or cell phones unless they have permission from a teacher. Messages will be taken by the school office and will be given to the student. Damage or loss of cell phones is the responsibility of the student and parent, not the school.

If students bring a cellphone, tablet, or other technology, they must turn it in to their teacher when they arrive to school. The teacher will return the device at the end of the school day.

Equal Opportunity

Rights/Opportunities

- Students have the right of equal opportunity, as allowed by law, to participate in all school activities and school education programs for which they are eligible.

Responsibilities

- Students are responsible for following the rules and procedures of the school-sponsored activity in which they, or others, participate. Students may not discourage, impede or prevent the participation of other students.

Fair Treatment

Rights/Opportunities

- Students have the right to due process, as defined in the Minnesota Pupil Fair Dismissal Act, when involved in a violation of district/school rules. Included is the opportunity to hear the nature of the violation and to give their account of the situation.
- Students have the right to be informed of all applicable classroom and school rules, expectations and procedures.
- Students have the right to be treated respectfully by school employees and other students.
- Students have the right to be free from unreasonable physical contact from staff and other students. Reasonable force by staff to restrain or correct a student from injuring self or other persons, however, is allowable.

Responsibilities

- Students are responsible for responding to all directions or questions from staff and for following all laws, policies, rules and expectations that apply to them.
- Students are responsible for knowing and following all applicable school and classroom rules, expectations, and procedures.
- Students are responsible for treating all persons respectfully.
- Students are responsible for respecting the space and freedom of those around them.
- Students are expected to treat the property of others and the school responsibly.
- Students are responsible for refraining from using force or physical contact to inflict harm on another.
- Students are responsible for not engaging in conduct that threatens to physically or mentally injure themselves, other persons or property.

Free Speech and Expression

Rights/Opportunities

- Students have the right to free speech subject to certain Constitutional limitations.

Responsibilities

- Students are responsible for expressing opinions, publishing written materials and distributing literature in such a manner that is not libelous, obscene, discriminatory or sexually explicit; that does not contain references to alcohol, chemicals, tobacco, or other products that are illegal for use by minors; that does not interfere with the rights of others; that does not materially and substantially disrupt the atmosphere of learning in the school; and that follows school rules and procedures regarding time, place and manner.
- Permission of the Director is required for distribution or posting of written materials.

Gender Identity

Rights/Opportunities

- Students have the right to be identified by their preferred name, pronoun, and asserted gender in learning spaces, facilities, and extracurricular activities.

Responsibilities

- Students must communicate with school staff if their school records are not reflective of their preferred name, pronoun, and/or gender identity.
- School record name and/or gender changes connected to gender identity require submitting updates to the school office in accordance with Board procedures.

Learning and Academic Work

Rights/Opportunities

- Eligible resident students have the right to a free public education according to state and federal law.
- Students have the right to attend school and gain an education as provided by law. Attendance at school is a privilege, not a right. For more details, see Minn. Stat. § 120A.36 at revisor.mn.gov/statutes.
- Students have the right to attend school in a safe environment that is free from disruptive behavior by others. Students have the right to experience learning opportunities that reflect their cultural experiences in a non-racist, non-sex-biased, gender and disability fair manner. For more information see <https://www.thejourneyschool.org/policies>
- Students have the right to make up school work missed during any excused absence.
- When absent for an extended period as a result of a medical issue, students have the right to necessary home/hospital instruction as regulated by state guidelines.

Responsibilities

- Students are responsible for daily attendance, for completing class assignments on time, and for bringing appropriate materials required for class use.
- Students are responsible for behaving in such a manner that supports learning for all, does not pose a potential or actual danger to themselves or others, and is not disruptive to the learning process for others.
- Students are responsible for respecting the cultural experiences shared by their peers.
- Students are responsible for obtaining and completing make-up work assigned for periods of absence.

Medications

Rights/Opportunities

- Students have the right to receive medications and medical procedures that must be administered during the school day in order for a student to attend school consistent with Board policy and procedure. For more information see <https://www.thejourneyschool.org/policies>

Responsibilities

- Families are responsible for communicating with school staff about changes in medications or medical procedures when they must be administered during the school day.
- Students are responsible for cooperating with school staff regarding medications and medical procedures to be administered during the school day.

Non-Discrimination/Harassment-Free Environment

Rights/Opportunities

- Students have the right to a learning environment free from discrimination, harassment and violence based on an individual's race, creed, sex, marital status, national origin, age, color, religion, familial status, status with respect to public assistance, sexual or affectional orientation, gender identity and expression, disability, or membership or activity in a local commission as defined by Minn. Stat. § 363A.03
- Students have a right not to be retaliated against for making good faith reports of discrimination, harassment, or violence.

Responsibilities

- Students are responsible for treating other students and school employees respectfully and in a manner that does not discriminate or harass an individual based on protected class.
- Students are responsible for reporting to staff (i.e., teacher, student support staff or the Director) incidents of bullying, discrimination, harassment, violence or retaliation that they have experienced or of which they are aware.

Personal Property and Privacy

Rights/Opportunities

- Students generally have a right of privacy in their persons and in their personal property on school property and at school-sponsored or -associated events.
- According to Minnesota law, students have the right to use school-owned property (e.g., lockers, desks, Chromebooks, iPads) for storing appropriate items of personal property with the understanding that all school-owned property is within the exclusive control of the school district and may be searched by school authorities for any reason, at any time, without permission, consent or requirement for a search warrant. For more details, see Minn. Stat. § 121A.72, subd. 1 at revisor.mn.gov/statutes/.

Responsibilities

- Students must not bring onto school district property, or to school-sponsored or -associated events, any item or material that violates school district policy, school rules, or state or federal law, or that would cause, or tend to cause, a disruption or endanger the health or safety of students or other people. Items prohibited include, but are not limited to, stolen goods, weapons and lookalike weapons, and other illegal items.
- When reasonable suspicion exists to believe a student possesses prohibited items or that a search will uncover evidence of a violation of a school rule or of the law, school officials may conduct a reasonable search of a student's person or property.
- Students are responsible for keeping their lockers/desks in good condition and free of any items that are illegal or prohibited.
- The personal possessions of students within a school locker or desk may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials. For more details, see Minn. Stat. § 121A.72, subd. 1 at revisor.mn.gov/statutes/.

Pledge of Allegiance

Rights/Opportunities

- Minnesota law requires all public schools to provide students the opportunity to recite the Pledge of Allegiance at least once a week (unless the School Board votes to waive this requirement).

Responsibilities

- Anyone who does not wish to participate in reciting the Pledge of Allegiance for any personal reasons may elect not to do so, and students must respect another person's right to make that choice. For more details, see Minn. Stat. § 121A.11, subd. 3(b) at revisor.mn.gov/statutes/.

Police Interviews

Rights/Opportunities

- Students have the right to be free from interview or interrogation by private parties, such as attorneys and private investigators, during the school day.
- Students have the right to be free from interview or interrogation during the school day by the Saint Paul Police Department unless the Director determines it is unwise or unsatisfactory for the Saint Paul Police Department to contact the student outside of school.
- When interviewed during the school day by the Saint Paul Police Department, students have the right to be interviewed in private and with confidentiality and in the presence of the Director or the Director's designee, without interruption and without observance by other school personnel or students. For more details, see <https://www.thejourneyschool.org/policies>

Student Dress

Rights/Opportunities

"All students are required to wear the school uniform. The colors for the uniform tops are: purple, black or gray; and the colors for shorts/skirts/pants are: black chinos or gray chinos. Students are not required to wear their school uniform on Fridays unless there is a field trip." Uniform tops may be purchased from TJS.

Responsibilities

- Students are responsible for wearing clothes that are appropriate for school. To maintain a safe learning environment, student dress cannot be a health and/or safety hazard, obscene, sexually explicit or discriminatory. Clothing that displays words or images that communicate a message that is racist, sexist, or otherwise derogatory is not permitted. Clothing that displays references to alcohol, chemicals, tobacco or other products that are illegal for use by minors is not permitted.
- Students are responsible for abiding by the Director's mandated minimum standards of cleanliness and neatness. Students who TJS must follow the school's uniform requirement. For more details, see <https://www.thejourneyschool.org/policies>

Student Government

Rights/Opportunities

- Students have the opportunity to form and participate in student government that is open to all members of the student body being represented. The purpose of the existence of student government is to represent and to be responsive to the needs of all students.

Responsibilities

- Students are responsible, when forming a student government, for establishing purposeful governing rules. The student government is responsible for communicating with the student body, faculty and administration, and for being aware of and complying with any school's policies affecting the student government procedures.

Technology Usage and Safety

Rights/Opportunities

- Students have the opportunity to access school technology resources in support of learning.

Responsibilities

- Students are responsible for using the district technology resources, including iPads and Chromebooks, properly and following all school rules and procedures.
- Students are responsible for respecting the privacy of other users, and not intentionally seeking information on, obtaining copies of, or modifying files, other data or passwords belonging to other users without permission.
- Students are responsible for maintaining the security of the school technology resources and recognizing and honoring the intellectual property rights of others.
- Students are responsible for immediately disclosing inadvertent access of unacceptable materials or an unacceptable Internet site to an appropriate school personnel and the Director.
- Students are responsible for using the school technology resources without making changes to device operating systems and security profiles or installing any apps other than those authorized by TJS
- Students are responsible for ensuring that any digital content on school technology resources is school-appropriate.
- Unacceptable use of school technology resources, including e-mail and the Internet, may result in one or more of the following consequences: suspension or cancellation of use or access privileges, discipline under applicable school policies and procedures, or civil or criminal liability under applicable laws. For more details, see <https://www.thejourneyschool.org/policies>
- Please see Guidelines for Lost / Stolen / Damaged technology and Accessories on page 26 to learn of consequences.

Transportation

Rights/Opportunities

- When riding a school bus or van to or from school, a student has the right to a safe ride that is free from intimidation, threat, or harassment.
- Parents/Guardians and students have the right to be informed that transportation service is a privilege that is granted to a student contingent upon appropriate behavior. In accordance with Minnesota Statute § 121A.59, transportation is a privilege, not a right, for eligible students.

Responsibilities

- Students are responsible for adhering to the expected behaviors, set by the Board of Education, while on the school bus and while in school bus loading and unloading areas. Misbehaviors occurring on the school bus will be managed in accordance with the Rights & Responsibilities Student Handbook. For more details, <https://www.thejourneyschool.org/policies>
- Parents/Guardians of transported students are responsible for supervising their children until their children board the school bus in the morning and after their children leave the bus at the end of the school day.
- Students who are involved in serious or repeated incidents of unacceptable student conduct on the school bus or at the school bus stop may have their riding privileges suspended or revoked, including bus transportation for field trips.
- The parent or guardian of a student suspended from transportation is responsible for ensuring that the student travels safely to and from school and that the student arrives to school on time.
- Bus drivers and school staff are responsible for teaching, modeling and reinforcing positive behavioral expectations to all students.

Standards of Student Behavior

A safe and positive environment is essential for learning. Knowing and following expectations and procedures will support students in making positive choices and academic progress. When students engage in behaviors that do not follow their school's expectations, school staff members are expected to respond promptly, appropriately and consistently:

- School staff will inform the parents/guardians of any student whose behavior is in conflict with established expectations and procedures.
- School staff are expected to document, in the student's behavior record, incidents of behaviors that are managed outside the classroom.
- Students, their parents/guardians and school staff are responsible for working collaboratively to support the expectations and procedures outlined in the Student Behavior Handbook.

Administrative Actions and Levels of Behavior Violations

Behaviors are divided into five levels. A Level 1 violation is the least severe (usually managed in the classroom), and a Level 5 violation is the most severe. For each violation on the charts below, (pages 17-24), there is a defined range of levels or responses; whichever level the first (•) appears under is the minimum response and whichever level the last (•) appears under is the maximum response. **There are also examples of interventions and responses which:**

- Correct and teach positive behavior so students can learn and be safe and respectful.
- Provide examples of appropriate administrative action.
- Make every reasonable effort to repair harm and address behavior concerns using interventions and the least severe response that is appropriate.

The following factors must be considered prior to developing interventions or assigning administrative action:

- The student's age, maturity, intention and understanding of the impact of the behavior
- The student's ability to repair harm caused by the behavior
- The student's willingness to repair harm caused by the behavior
- The student's disciplinary record including the nature of prior behavior, the number of prior instances of behavior, and the interventions and administrative action applied
- The nature, severity, and scope of the behavior
- The circumstances and context in which the behavior occurred, including its impact on the learning environment
- The student's individualized Education Plan (IEP) or 504 plan, if applicable

Full and Equitable Participation in Early Learning per the Pupil Fair Dismissal Act:

A pupil enrolled in a preschool or pre-kindergarten program, including a child participating in early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program, or kindergarten through grade 3 is not subject to dismissals of one school day or more under this Handbook, subject to state and federal law for students receiving special education services. Expulsions and exclusions may be used only after resources outlined below have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

Non Exclusionary discipline must include at least one of the following:

1. collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, student support staff or other community-based support;
2. creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in the current educational program, including a preschool or prekindergarten program; or
3. providing a referral for needed support services, including parenting education, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.

Note: Please refer to the glossary for additional terms and definitions, related Minnesota statutory references, and other information.

Levels of Behavior Violations

Level 1

Level 1 interventions are generally implemented by school staff members when a student has minimal or no prior violations. The staff response is to teach and practice the expected behavior so students learn and demonstrate safe and respectful behaviors. Staff members use a variety of teaching and management strategies, and this is usually a classroom-managed behavior.

Examples of Interventions and Restorative Responses

Level 1 incidents generally do not result in removal from school unless the intensity and/or frequency of the behavior is high and multiple interventions have been attempted. Interventions aim to correct and teach alternative behavior so students can learn and demonstrate safe and respectful behavior.

School staff members are expected to use a variety of methods and classroom management strategies that may include:

- Re-teach expected behavior/skill
- Verbal or nonverbal redirection
- Role play
- Written reflection/apology
- Seat change
- Teacher/student conference
- Daily progress sheet on behavior
- Restoration (fix-it plan)
- Take a Break/Use of In Class Calming Space
- Loss of privilege(s)
- Community building circles
- Reflective Essay
- Re-teach cell phone expectations

Appropriate staff interventions may involve the parent/guardian and other members of the school community. Interventions may include:

- Parent/guardian notification
- Parent/guardian/teacher conference
- Parent/guardian accompanying student to school or class
- Requiring students to remove, adjust, or cover up clothing that violates student dress requirements
- Conversation with admin about change in schedule
- In-school community service
- Conflict resolution
- Mentoring program participation
- Contract between teacher, student and parent/guardian
- Peer mediation
- Referral to additional support services in the school

Repeated instances of a Level 1 violation may be treated as a violation at a higher level only when appropriate interventions have been attempted over a reasonable amount of time and documented in the student's record.

Level 2

Level 2 violations may result in interventions and/or administrative action that involve other school staff.

Examples of Interventions, Restorative Practices, and/or Administrative Actions

These responses may involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school.

- Use of lower-level interventions and consequences
- Behavioral skills training
- Student conference
- Parent/guardian notification
- Parent/guardian conference
- Restorative practices (Restorative chat, Peer mediation)
- School community service
- Referral to Student Support Team
- Removal from class
- Lunch Detention
- In-school suspension for half a day or more
- Student behavior contract

Repeated instances of a level 2 violation may be treated as a violation at a higher level only when appropriate interventions have been attempted over a reasonable amount of time and documented in the student's record.

Level 3

Level 3 violations will include school administration and may result in a dismissal from school for part of a day or more than one school day.

Examples of Interventions, Restorative, and/or Administrative Actions

These responses may involve the temporary, short-term removal of a student from the school environment because of the severity of the behavior. The duration of the removal, if issued, is to be limited as much as possible while adequately addressing the behavior.

- Use of lower-level interventions and consequences
- Parent/guardian notification
- Parent/guardian conference
- Alternatives to dismissal, such as repairing harm circle, Family Group Conference, or other Restorative Practice
- Referral to PBIS Tier 2 and/or Tier 3 supports in the building
- Dismissal (complete school day)
- Referral to the school Mental Health Support Team or Student Support Team

Repeated instances of a level 3 violation may be treated as a violation at a higher level only when appropriate interventions have been attempted over a reasonable amount of time and documented in the student's record.

Level 4

Level 4 violations may result in suspension of a student. A suspension is a removal from school for more than one day.

Examples of Interventions, Restorative, and/or Administrative Actions

These responses may involve the temporary, short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term removal, if issued, is to be limited as much as possible while adequately addressing the behavior.

- Use of lower-level interventions and consequences
- Parent/guardian notification
- Parent/guardian conference
- Family Group Conference or other Restorative Practice
- Referral to Student Support Team and TJS Board of Education
- Administrative transfer
- Alternatives to suspension
- Suspension, in excess of one complete school day
- Expulsion or exclusion (an act of TJS Board of Education)

Note: Students involved in incidents at this level may be referred for expulsion depending on the circumstances.

Level 5

Level 5 violations require the Director to notify The Journey School Board for expulsion. See the full definitions of expulsion and statutes that apply to the violations in the glossary.

Examples of Administrative Actions

These responses involve the removal of the student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on maintaining the safety of the school community and ending self-destructive and/or dangerous behavior:

- Use of lower-level interventions and consequences
- Parent/guardian notification
- Parent/guardian conference
- Referral to Student Support Team and TJS Board of Education
- Administrative transfer
- Expulsion or exclusion (an act of the Board of Education)

Behavior Violations and Level of Administrative Responses

Level 1	Level 1 interventions are generally addressed by school staff members in the classroom when a student has minimal or no prior violations. The staff response is to teach and practice the expected behavior so students learn and demonstrate safe and respectful behaviors. Staff members are expected to use a variety of teaching and management strategies.
Level 2	Level 2 violations <i>may result</i> in interventions and/or disciplinary responses that involve other school staff. These actions aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school.
Level 3	Level 3 violations will include school administration and may result in a dismissal from school for part of a day or an entire school day.
Level 4	Level 4 violations <i>may result</i> in the suspension of a student. A suspension is removal from school for more than one day. The district reserves the right to make a referral for expulsion or exclusion in extreme instances for Level 4 offenses.
Level 5	Level 5 violations require the Director to make a referral for expulsion to The Journey School Board. Full definitions of expulsion and statutes that apply to the violations are in the glossary..

When to notify The Journey School Board

In the chart below, if there is a (*) included in the level field administration are assigning to the student's behavior violation.

The below chart contains summary definitions for violations and responses. Please see the full definitions in the glossary.

Behavior Violations and Level Responses	Levels				
	1	2	3	4	5
Absence, Chronic Truancy Continued unauthorized absences. See full definition in the glossary.		•			
Absence, Tardiness Arriving late to school or to class.	•				
Absence, Unexcused Unauthorized absence from school or class.	•	•			
Alcohol, Possession/Use/Under the Influence/Soliciting/Selling Possession, use, soliciting, selling or being under the influence of any alcoholic product while on school grounds or at school-sponsored activities.				•*	•*
Arson The intentional destruction of or damage to property by means of fire or explosives.			•*	•*	•*

***Notify TJS Board**

Behavior Violations and Level Responses	Levels				
	1	2	3	4	5
Assault The intentional infliction of bodily harm upon a person, who is not an TJS staff member, without the person's consent.				• *	• *
Assault, Aggravated (substantial or great bodily harm) The intentional infliction of substantial bodily harm or great bodily harm upon another who is not an TJS staff member.					• *
Assault, Aggravated (firearm, dangerous weapon, or other weapon) Committing an act with a firearm, dangerous weapon, or other weapon with intent to cause fear in another of immediate bodily harm or death.					• *
Assault On Staff The intentional infliction of bodily harm upon an TJS staff member without the staff member's consent.				• *	
Assault on Staff, Aggravated (substantial or great bodily harm) The intentional infliction of substantial bodily harm or great bodily harm upon an TJS staff member.					• *
Bullying Intimidating, threatening, abusive, or harming conduct that is objectively offensive and: (1) there is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; OR (2) materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. See Board Policy (available at https://www.thejourneyschool.org/policies) and examples in the glossary.		•	•	• *	• *
Bullying Using Technology (Cyberbullying) For the definition of Cyberbullying, see https://www.thejourneyschool.org/policies .		•	•	•	• *
Cannabis, Possession/Use/Soliciting/Selling/Under the influence Possession, use, soliciting, selling or being under the influence of cannabis at any school location. See https://www.thejourneyschool.org/policies				• *	• *
Cellular Phones & Personal Electronic Device -Violation Continued use of cellular phones or other personal electronic devices during times of the school day when use is prohibited and student has been reminded of the school expectations for use. Use of personal electronic devices is defined as, but not limited to, texting, calling, browsing the internet, using social media, taking photos or videos, or using apps.	•				

**Notify TJS Board*

Behavior Violations and Level Responses	Levels				
	1	2	3	4	5
Cheating or Plagiarizing Academic dishonesty including, but not limited to, copying the work of others on school assignments or tests and using the ideas or writings of another person without giving due credit to the creator of the work. This includes work accessed digitally.	•	•	•		
Coercion Occurs when a person causes someone else to act against their will or to refrain from doing a lawful act by threatening, orally or in writing. See full definition in the glossary.				• *	• *
Criminal Act Committing an act, on school property or in the course of a school-sponsored or school-associated activity, that would be a crime if committed by an adult.				• *	• *
Damage to Property of Others Intentional damage to the property of staff members or others.		•	•	•	
Damage to School Property Intentional damage to property belonging to or used by the school district. This also includes intentional damage to hardware, software or other equipment belonging to or used by the school district.		•	•	•	
Defiance of Authority Intentional refusal to follow directions given by a staff member. See examples in glossary.	•	•	•	• *	• *
Discrimination ¹ Discriminate or discrimination includes all unequal treatment of any individual by reason of race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, gender identity and expression, familial status, or disability. For purposes of discrimination based on sex, it includes sexual harassment.		•	•	•	
Disruptive Behavior Situations and/or actions that interfere with, or have the potential to interfere with, effective learning and/or operations of the school.	•	•	•	• *	• *
Disruptive Behavior, Severe Situations and/or actions that may endanger or have endangered the safety of others; or significantly violent, or threatening behavior that severely disrupts school, a school-sponsored activity, or a school-supervised activity held off school premises.			• *	• *	• *
Disruptive Behavior to and from School Behavior that endangers or harasses students on their way to and from school, or at the bus stop, or diverts the bus driver's attention from driving.		•	•	•	• *

* *Notify TJS Board*

Behavior Violations and Level Responses	Levels				
	1	2	3	4	5
Drugs or Controlled Substances, Possession/Use/ Soliciting/Selling/Under the influence Use and/or possession of controlled substances and toxic substances at any school or work location. See https://www.thejourneyschool.org/policies				• *	• *
Explosive Device, Possession/Use/Intent to Use Possession, use, or intent to use an explosive device such as a bomb, grenade, mine, rocket, missile, pipe bomb, or similar device designed to explode and capable of causing bodily harm or property damage.					• *
Fighting Two or more persons mutually participate in use of force or physical violence.		•	•	• *	• *
Firearm, Possession/Use/Intent to Use Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm. For BB guns, air guns, or lookalike guns see Possession/Use of a Dangerous Weapon Other Than a Firearm.					• *
Fires and False Fire Alarms Tampering or interfering with any fire alarm system or failure to exercise caution, resulting in a fire.				•	
Gambling Playing of a game of chance for stakes.		•	•	• *	• *
Gang Activity Gang activity is only an additional violation to a primary violation of another rule of student behavior. Find more information in the glossary.				• *	• *
Harassment, based on Protected Status ¹ Harassment includes physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, gender identity and expression, familial status or disability, membership or activity in a local commission as defined by Minn. Stat. § 363A.03 when the conduct: 1) has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; 2) has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or 3) otherwise adversely affects an individual's employment or academic opportunities.		•	•	• *	• *

* *Notify TJS Board*

Behavior Violations and Level Responses	Levels				
	1	2	3	4	5
Hazing ^{1 2} Committing an act against a student, or coercing a student into committing an act, which creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization, or for any other purpose.				•	•*
Incapacitation Device, Possession, with use or intent to use A device designed to temporarily immobilize or incapacitate people such as Tasers, stun gun or tear gas derivative. Use or intent must be present.					•*
Incapacitation Device, Possession, without use or intent to use See above. Use or intent must not be present. Response to a first time violation is confiscation and a conversation with student and parent/guardian.	•	•	•	•*	•*
Interference/Obstruction Any action taken to attempt to prevent a staff member from exercising his/her lawfully assigned duties, including an administrative investigation.		•	•		
Language, Abusive Student delivers verbal messages that include offensive or threatening language.		•	•	•	•*
Language, Inappropriate Swearing or using words in a disrespectful way.	•	•	•	•	•
Leaving School Grounds Leaving school grounds during school hours without staff permission.		•		•*	•*
Medication Policy Violation, Prescription Students using or distributing prescription medication in an unauthorized manner.		•	•	•	•
Medication Policy Violation, Nonprescription Students using or distributing nonprescription medication in an unauthorized manner.		•	•	•	•
Other Prohibited Items, Possession Examples may include (but are not limited to): ammunition, snaps, pop-its, lighters, handcuffs, audio alert device, and any other toys or objects (to include toy guns that do not meet the definition of a replica firearm, toy knives, toy swords, etc.) that would not be identified as a weapon but may cause disruption.	•	•	•*	•*	•*
Out of Area Student out of their assigned area (i.e. leaving the classroom or learning environment without permission; roaming the halls or school grounds)	•	•	•*	•*	•*

Notify TJS Board

Behavior Violations and Level Responses	Levels				
	1	2	3	4	5
Physical Aggression (Bodily Harm) An intentional act by a student resulting in bodily harm.		•	•*	•*	•*
Physical Aggression (Substantial Bodily Harm) An intentional act by a student resulting in substantial bodily harm.			•*	•*	•*
Physical Aggression to Staff An intentional act by a student resulting in unwelcome physical contact with a TJS staff member. It includes, but not limited to, pushing, slapping, intimidation and spitting.		•	•*	•*	•*
Physical Contact (No Bodily Harm) Students engage in inappropriate physical contact, such as pushing, spitting, horseplay and intimidation.	•	•	•*	•*	•*
Possession, Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition, without use or intent to use as a weapon Device not manufactured as a dangerous weapon that is capable of producing bodily harm, substantial bodily harm, or fear of bodily harm. Examples include knives with blades under 2.5 inches, box cutters, razor blades, etc. Use or intent to use must not be present.				•*	•*
Possession/Use of a Dangerous Weapon Other Than a Firearm A device designed or modified as a weapon that is capable of producing death or great bodily harm. Examples include knife with a blade of 2.5 inches or longer, replica firearm, BB gun, or brass knuckles.					•*
Possession/Use of Other Weapon or Object, not a firearm and not meeting Minnesota Statute Dangerous Weapon definition, with use or intent to use Device not manufactured as a dangerous weapon or non-conventional weapon capable of producing bodily harm, substantial bodily harm, or fear of bodily harm. Examples include knives with blades under 2.5 inches, box cutters, razor blades, etc. Use or intent to use must be present.					•*
Pyrotechnic Devices, Possession and/or Detonation A firework or firecracker that can cause combustion.			•	•*	•*
Racial or Religious Violence ^{1 2} Racial or religious violence is a physical act of aggression or assault or the threat of aggression or assault upon another because of, or in a manner reasonably related to, race or religion.				•*	•*
Reckless or Careless Driving Driving on school property in such a manner as to endanger persons or property.				•*	•*

Notify TJS Board

Behavior Violations and Level Responses	Levels				
	1	2	3	4	5
Record and Identification Falsification Falsifying or altering signature or data, refusing to give proper identification, or giving false identification to staff.		•	•	• *	• *
Robbery Obtaining property from another by force or a threat of force. See full definition in the glossary.				• *	• *
Sexual Behavior Engaging in sexual behavior including, but not limited to, sexual intercourse or sexual penetration, sexual contact, indecent exposure, or masturbation.		•	•	• *	• *
Sexual Harassment ¹ Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other physical or verbal conduct or communication of a sexual nature when: a) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or b) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or c) that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.		•	•	• *	• *
Sexual Misconduct, Aggravated Sexual conduct amounting to a violation includes criminal "sexual contact" or any other sexual act that would be a criminal act if committed by an adult.				• *	• *
Sexual Violence ^{1 2} A physical act of aggression or force or the threat of aggression or force that involves touching another person's intimate parts or forcing a person to touch any person's intimate parts.				• *	• *
Student Dress Manner of dress or personal grooming that does not fit within the policies or guidelines practiced by the school or district.	•	•			
Teasing and Name Calling Occurrences of teasing or name-calling with or without the intent to injure, degrade, disgrace or intimidate other individuals should be addressed even if they do not meet the definition of Bullying.	•	•	•		

Notify TJS Board

Behavior Violations and Level Responses	Levels				
	1	2	3	4	5
Technology Misuse/Violation This includes being off-task, treating iPads carelessly and airdropping material without permission. Student engages in inappropriate use of technology including and not limited to iPad, mobile device, personal electronic device, camera, computer and/or other.	•	•	•	• *	• *
Technology – Unauthorized or Inappropriate Use of District Technology Resources Any act that violates the Board of Education’s Technology Usage and Safety Policy or constitutes an unacceptable or illegal use of the school district’s computer facilities, systems, networks or software.		•	•	• *	• *
Theft Unauthorized taking/possession of school district property and of the property of another including but not limited to jackets, expensive electronics, etc.	•	•	•	• *	• *
Threats, In Person ² Any expression of intention to cause harm or violence to another person or another’s property that is delivered by someone in immediate physical proximity to the person being threatened. The potential for immediate harm or violence must exist. Administrators should carefully evaluate the intent of the student making the expression and consider the factors identified on Page 13. Find examples and guidance in the glossary.	•	•	•	• *	• *
Threats, Not In-Person ² Any verbal or written expression of intention to cause harm or violence to another person or another’s property that is delivered virtually or by other means. Administrators should carefully evaluate the intent of the student making the expression and consider the factors identified on Page 11. Find examples and guidance in the glossary.	•	•	•	• *	• *
Threats, Aggravated ^{1 2} Any threat of violence: (i) made with the intent to cause extreme fear or panic within a substantial portion of the school community; (ii) made with the intent to cause evacuation or lockdown of a building, place of assembly, school event, or vehicle; (iii) made repeatedly against an individual or group; OR (iv) Any expression that does not meet the definition of threat, but is made with reckless disregard for the risk of, and actually causes, the extreme fear, panic, evacuation, or lockdown contemplated by (i) and (ii).				• *	• *

Notify TJS Board

Behavior Violations and Level Responses	Levels				
	1	2	3	4	5
Tobacco and Other Tobacco Related Devices, Possession/Use Students are prohibited from having tobacco, e-cigarettes and other tobacco-related devices in their possession. See https://www.thejourneyschool.org/policies		•	•	•*	•*
Trespassing, Including During Periods of Dismissal or Suspension Being physically present on school property or at a school activity after being directed to leave by a school personnel, the Director or other person lawfully responsible for the control of the premises.			•	•*	•*

Notify TJS Board

Discipline Processes

All disciplinary actions will be processed pursuant to TJS' discipline policies, the requirements of the Minnesota Pupil Fair Dismissal Act, and other applicable laws.

Any student who violates TJS Student Discipline Policy may be subjected to the consequences established in this Rights and Responsibilities Handbook.

Schools will attempt to use non-exclusionary disciplinary procedures and practices before dismissing a student, except where it appears that the student will create an immediate and substantial danger to self or to surrounding persons or property.

Any student who violates a policy that has a potential consequence of suspension from school for more than one school day shall have an informal conference with the Director and or Student Support Staff.

Suspended students will have the opportunity to complete all school work assigned during the period of the student's suspension and to receive full credit for satisfactorily completing the assignments.

No student may be suspended for more than 10 consecutive days for the same course of conduct or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the school is in the process of initiating an expulsion, in which case the school may extend the suspension to a total of 15 consecutive school days.

If a student's total days of removal from school exceed 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 or guardian before subsequently removing the student from school. The purpose of this meeting is to attempt to determine the student's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder. With the permission of the parent or guardian, the school may arrange for a mental health screening for the pupil. The school is not required to pay for the mental health screening.

No student will be excluded or expelled from the school without notice and the opportunity to have a hearing in accordance with Minnesota law.

Alternative Educational Services Procedures

If a student is suspended for more than five consecutive school days:

Length of Suspension	Services Provided	Administration Team or Designee Responsibility	Parent/Guardian Responsibility
Up to five consecutive school days	Current classroom work and homework will be made available, if possible.	Arrange for collection of classroom work and homework from teachers.	Pick up classroom work and homework from the school office. Return completed work upon student's return to school.
Six to 10 consecutive school days	Current classroom work and homework will be made available no later than the sixth school day of suspension.	Arrange for collection of classroom work and homework from teachers.	Pick up classroom work and homework from the school office. Return completed work upon student's return to school.
Up to 15 consecutive school days (only pending expulsion or when student constitutes a substantial and immediate danger)	Current classroom work and homework will be made available no later than the tenth school day of suspension.	Arrange for collection of classroom work and homework from teachers.	Pick up classroom work and homework from the school office.

This schedule does not preclude school administrators from providing different alternative educational services that allow the student to progress toward meeting graduation requirements. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension.

The Director is responsible for ensuring that the school attempts to provide required alternative educational services. Parents/guardians also have the responsibilities set forth above. Parents who have concerns about the school's compliance with these procedures should contact the Director promptly.

Additional information related to special education students: TJS may have additional obligations to special education students that are not explained here. For more information about the rights of special education students, see the Procedural Safeguard Notice Parental Rights for Public School Special Education Students at <https://education.mn.gov/MDE/dse/sped/proc/> or contact the Director or, your student's case manager at 612-389-1579.

Student Support Team

The Student Support Team deals with problems relating to student discipline and school adjustment for: (1) students who are not eligible for special education services; and (2) students receiving special education services whose conduct was determined by the appropriate team to be not a manifestation of the student's disability. If the conduct at issue is the conduct of a student receiving special education services and that conduct was determined to be a manifestation of the student's disability, the IEP team should address that conduct and school's response in accordance with state and federal law.

The Director appoints this committee and it usually includes an administrator, counselor, teachers, student support team and/or other staff (5-7 members). The committee shall meet to consider disciplinary and behavioral problems of students referred to it by the Director or designee (chair) and shall recommend to the Director such remedial, corrective, or disciplinary measures as it may deem to be in the best interests of the students and the school. To avoid noncompliance with Minn. Stat. § 121A.41 of having a student suspended longer than ten days, the committee should meet and make a decision or recommendation within two business days from the time of the incident. When a major decision or recommendation regarding a student is being considered, parents shall be invited to be present at the meeting or to submit a written statement. Parents have the option to bring an additional person with them to the meeting.

The Director reviews the recommendations and makes the final determination. If the decision is a school transfer, expulsion or exclusion, the Director will submit the required expulsion/administrative transfer paperwork within 24 hours of receiving the recommendation to The Journey School Board. For Level 5 offenses, the Director has the authority to submit a referral for expulsion or exclusion directly to The Journey School Board for its review and decision without the committee's action.

If parents/guardians wish, they may submit a written statement within three days after receiving notice of the Director's or Student Support Team recommendation for transfer, expulsion or exclusion. The Director will include any such written statement with the recommendation to The Journey School Board.

Discipline Processes: Students with Disabilities

Students with Disabilities/Section 504 Students

Students covered by Section 504 of the Rehabilitation Act of 1973 may be disciplined for behavior related to their disabilities, unless the discipline would result in a significant change of placement. A qualified student with a disability may not be suspended for more than 10 cumulative school days without a manifestation determination conducted by the student's 504 team. TJS Board Policy outlines additional requirements to ensure that the rights of students with IEPs are held intact when a removal from school may be necessary. For more details, see

<https://www.thejourneyschool.org/policies>

Students with Disabilities and Students with an Individual Education Program (IEP)

When a student with a disability has been suspended for more than 10 cumulative school days within the school year, the IEP team must meet to hold a manifestation determination meeting. The team will determine if the behavior is related to the student's disability. The team may need to conduct a Functional Behavior Assessment (FBA) and write a behavior intervention plan to support the student at school.

That meeting must occur as soon as possible, but no more than 10 days after the tenth cumulative day of suspension has elapsed. A dismissal for one school day or less is a day of suspension if the student with a disability does not receive regular or special education instruction during that dismissal period. A student with a disability may be provided alternative educational services to the extent a suspension exceeds five consecutive school days.

Before initiating an expulsion or exclusion, the district, relevant members of the student's individualized education program team, and the student's parent shall, consistent with federal law, determine whether the student's behavior was caused by or had a direct and substantial relationship to the student's disability and whether the student's conduct was a direct result of a failure to implement the student's individualized education program. When a student with a disability who has an individualized education program is excluded or expelled for misbehavior that is not a manifestation of the student's disability, the district shall continue to provide special education and related services during the exclusion or expulsion. Minn. Stat. § 121A.43.

TJS Discipline Guidelines for Students with Disabilities under State Laws and Federal Regulations

(When a student with a disability is considered for an Out-of-School suspension, the IEP case manager should be consulted before a final decision is made. This chart is not a substitute for special education regulations. Always check the federal or state regulations for clarification.)

Within a school year, student with a disability is removed ¹	IEP Team Meeting Required	Manifestation Determination Required: Behavior is/is not related to disability or IEP not implemented as written. 34 C.F.R. § 300.530 (e)	Functional Behavioral Assessment (FBA) or Review Required 34 C.F.R. § 300.530 (f)	Disciplinary Change of Placement: Legal term for 11 consecutive or cumulative days of removal. Must give parent Rights & Procedural Safeguards. 34 CFR § 300.536	Interim Alternative Educational Setting (IAES): A setting different than the student's placement that allows the student with a disability to: (1) continue to participate in the general education curriculum, (2) make progress towards meeting IEP goals and objectives and (3) receive services designed to prevent the behavior from recurring. The determination of an appropriate IAES is made by a student's IEP team on a case-by-case basis. 34 CFR §300.530(d)(1)-(5)
Removed for 1-10 cumulative days ^{2,3}	NO	NO	NO	NO	N/A
Removed for 6 OR MORE consecutive days ^{2,3}	YES	YES, if suspension is longer than 10 consecutive days	YES, if suspension is longer than 10 consecutive days and behavior was manifestation ³	NO	TJS must provide alternative educational services in an IAES during 6 or more consecutive days of removal. The number of days of removal should follow the current TJS Rights & Responsibilities Handbook for the behavior that the student displayed.

Removed for 11 cumulative days ³	YES	YES for every dismissal or suspension for rest of school year	YES (or review existing FBA)	YES	TJS must provide alternative educational services in an IAES after every dismissal or suspension for the rest of each school year. The number of days of removal should follow the current TJS Rights & Responsibilities Handbook for the behavior that the student displayed. CANNOT use up to 45 days unless one of the 3 behaviors below as a “special circumstance” occurred.
Placed in-school suspension ⁴	NO	NO	NO	NO	N/A
Removed due to Special Circumstances ⁶ (Serious discipline incident)	YES	YES	Best practice	YES	An Interim Alternative Educational Setting (of up to 45 school days) can ONLY be used if a student with a disability does the following at school, on school premises or at a school function (34 CFR § 300.530(g)): (1) Carries a dangerous weapon or possesses a dangerous weapon (defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length) 18 USC §930(g)(2) (definition); (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance (34 C.F.R. § 300.530 (definition)); or (3) Inflicts serious bodily injury upon another person (defined as a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty) 18 USC §1365(h)(3) (definition). This 45-day unilateral change in placement may be effectuated regardless of whether the conduct is a manifestation of the student’s disability.

¹ Removals include dismissals (less than a school day) and suspensions (a full school day). All removals count towards days of removal. E.g., 11 dismissals are 11 cumulative days of removal.

² If the removal brings the total cumulative days in a school year to more than 10 days, see “removed for 11 cumulative school days.” Minn. Stat. §§ 121A.41, subd.10, 121A.43.

³ If a student with a disability has transportation on the IEP and is removed from the school bus, the days of removal from the bus must be counted toward the 6 or more consecutive days or 11 cumulative days of removal unless the school district provides alternative transportation.

⁴ In-school suspension is not considered a removal as long as the student is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services on the IEP and continue to participate with non-disabled students to the extent they would have in their current placement.

⁵ Alternative educational services may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, 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. Minn. Stat. § 121A.41, subd. 11

⁶ School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct. The “other requirements of this section” do not allow 45 school days, interim alternative setting except under the three special circumstances. 34 C.F.R. § 300.530(g).

Guidelines for Bus Safety

TJS provides transportation services to students who meet eligibility requirements contained in the Board of Education Policy Eligibility for Student Transportation.

TJS is responsible for the student supervision as soon as they enter the bus in the morning and until they leave the bus or are released to a parent/guardian. Bus drivers, parents/guardians and school staff are responsible for teaching, modeling, and reinforcing positive behavior expectations to all students. Parents/guardians are responsible for ensuring that their children know and understand these standards of conduct. The bus and bus stops are an extension of the school. Misbehavior on the bus could lead to consequences at the school as well.

Students who continue to engage in unacceptable behavior will result in loss of busing privileges, including bus transportation for field trips. The Director, Transportation Coordinator and/or Student Support Team will determine what the student's consequences are for the misbehavior utilizing the guidelines found below. A manifestation determination will happen before initiating any loss of bus privileges of a student with a disability (Minn. Stat. § 121A.43(d)). If there is a loss of busing privileges, it would apply to all busing services for the school, unless otherwise specified by school staff.

Minnesota Statute 121.59 provides that transportation service is a privilege, not a right, that is granted to the student contingent upon proper behavior in accordance with the school's behavioral standards, but not limited to, and are found below:

Behavior Guidelines and Consequences

Class I Violations

1. Spitting
2. Excessive noise inside the bus
3. Horseplay, mischief, distracting behavior
4. Eating, drinking, littering on the bus
5. Leaving seat, standing without permission from driver, walking up and down aisle
6. Misuse of liquid containers including water bottles, soda pop, etc. in any form
7. Profanity, verbal abuse harassment, obscene gestures or possession of unacceptable materials
8. False identification, refusal to identify student's name
9. Riding on an unassigned bus or using an unassigned bus stop
10. Opening window past safety line/midway point
11. Riding or attempting to ride any bus while under a loss of bus privileges
12. Disobedient to the driver, staff and others
13. Misuse of technology

Disciplinary Response: Class I

Bus drivers will communicate and work with the Director, Transportation Coordinator and/or Student Support Team regarding student misbehavior.

Class I Violations	Disciplinary Response
1 st Violation:	Warning
2 nd Violation:	1-5 day loss of bus privileges
3 rd Violation:	(1) 5 – 10 days minimum loss of bus privileges (2) Loss of all transportation services (3) Parent/ Director, Transportation Coordinator and/or Student Support Team Meeting
4 th Violation:	Possible total loss of transportation services

Class II Violations

1. Hanging out of window, yelling out the window
2. Throwing or shooting of any object on the bus or out the bus
3. Bullying and/or physical assault/aggression against any person
4. Profanity and threats directed toward driver/staff and others
5. Possession and/or use of tobacco, electronic cigarettes, or any other controlled substance
6. Vandalism to any part of the bus (restitution will be made)
7. Holding on to, or attempting to hold on to, any portion of the exterior of the bus
8. Any “Danger Zone” infringement (must walk 10 feet out from the bumper of the school bus to be seen by the driver at all times)
9. Lighting of matches, lighters, or any flammable object or substance
10. Unauthorized entering or leaving bus through emergency door
11. Tampering with bus equipment
12. Possession or threat of weapons, explosives, flammables, etc.
13. Possession or use of laser pens/pointers
14. Any violation committed on any bus outside of regular transportation to and from school (activity, field trip, shuttles, etc.) will carry a minimum penalty of a class II first violation.

Disciplinary Response: Class II

Bus drivers will communicate and work with the Director, Transportation Coordinator and/or Student Support Team regarding student misbehavior.

Class II Violations	Disciplinary Response
1st Violation:	5 day loss of bus privileges
2nd Violation:	10 day loss of bus privileges
3rd Violation:	(1) 10 days minimum loss of bus privileges (2) Loss of all transportation services (3) Parent/ Director, Transportation Coordinator and/or Student Support Team Meeting
4th Violation:	Possible total loss of transportation services

Guidelines for Lost/Stolen/Damaged Technology and Accessories

Technology Overview

When a student's iPad, Chromebook or Accessories are lost, stolen, or willfully damaged, the consequences will be applied in cases of:

- Broken screens caused by intentionally throwing or dropping the device;
- Swinging a bag or backpack with a device inside; stepping on the device;
- Intentionally spilling a liquid on the device; hitting another person or object with the device;
- Damage caused to a device that was not in the district-issued case;
- Tampering with the internal components of the iPad;
- Making unauthorized modifications to the operating system, known as hacking the device;
- Loss or damage to the Lightning-to-USB cable, 12W power adapter, and case.

The Chromebooks will give the students an opportunity to utilize digital curriculum at school, at home, and during Distance Learning.

Student Expectations:

- Keep the Chromebook safe and in good condition
- The Chromebook must remain free of markers, stickers or decorations
- Follow the teacher's instructions for the Chromebook use
- Keep the identification sticker on the Chromebook
- Follow the acceptable use policy for school technology
- Return the Chromebook to TJS on or before May 26,2026

What do I do if the Chromebook is not working or needs service?

- Bring your Chromebook to the Journey School
- The tech team will access it
- If damage is not accidental, then the following charges will apply:
 - Repair ~ \$30
 - Replacement Cost~ \$250
 - Replacement for charger ~ \$20

Create a positive digital culture at home:

- Review appropriate websites, apps and games for students
- Monitor online use at home
- Develop and consistently enforce rules at home for online use

End of School Year Non>Returns

As a consequence, for failure to return technology and accessories, TJS cannot deny access to diplomas or course credit. They may limit participation in end of year activities such as:

- Field Day/School picnic
- Field trip celebration

Security Policies for Lost / Stolen / Damaged Devices

- When a technology has been recorded as “Lost” or “Stolen” a secure management profile is installed rendering the device as useless for resale or personal use.
- After a TJS device has been “wiped”, the screen will display “Hello” and look like it is able to be sold or kept for personal use.
- During the setup process, the TJS management profile will be activated and ask for Active Directory credentials. Device setup cannot continue unless active and valid credentials are provided.
- If the device has been recorded as lost/stolen/damaged in Fuji/Destiny and valid Active Directory credentials are provided, the iPad will go into “Lost” mode and be rendered useless.
- Devices and accessories are not able to be sold or repurposed for personal use.

Glossary of Terms

Absence –

- **Chronic Truancy Absenteeism** – Missing 10 percent or more of school days for absences for any reason.
- **Tardiness** – Arriving late to school or to class.
- **Unexcused** – Unauthorized absence from school or class. Students with continued unexcused absences may be referred to the school's Attendance Team and referred for truancy or educational neglect to the School Attendance Matters (SAM) Program.

Administrative Placement – A change of placement of a student made for non-disciplinary reasons.

Administrative Transfer – The transfer of a student from one school to another usually as an intervention resulting from serious or repeated violations of this Handbook.

Alcohol, Possession/Use/Under the Influence – Possession, use, or being under the influence of any alcoholic product while on school grounds or at school sponsored activities. Student may be referred for a chemical use assessment.

Alternative to Expulsion (A2E) – An alternative learning environment for students who have been recommended for expulsion in grades 2-12. A2E allows students to earn school credit while preparing to return to a traditional school setting. The student who has committed an expellable behavior violation must attend the A2E program before returning to the traditional school setting. This includes students who choose to leave the district temporarily after the recommendation for expulsion and then chooses to return back to the district; upon their return, they will have to complete the A2E program.

Arson – The intentional destruction of or damage to property by means of fire or explosives. If designating this violation as a Level 5, combustible or flammable liquid must have been used. For more details, see: Minn. Stat. § 609.561, Minn. Stat. § 609.562, Minn. Stat. § 609.563, Minn. Stat. § 609.5631, Minn. Stat. § 609.5632 (arson in 1st through 5th degrees with definitions).

Assault – The intentional infliction of bodily harm upon a person who is not an TJS staff member, without the person's consent. See also Assault on Staff.

Assault, aggravated (substantial or great bodily harm) – The intentional infliction of substantial bodily harm, or great bodily harm, upon another who is not an TJS staff member. See also Assault on Staff, Aggravated.

Assault, aggravated (firearm, dangerous weapon, or other weapon) – Committing an act with a firearm, dangerous weapon, or other weapon with intent to cause fear in another of immediate bodily harm or death.

Assault on Staff – The intentional infliction of bodily harm upon an TJS staff member, without the person's consent. See also Assault.

Assault on Staff, Aggravated (substantial or great bodily harm) – The intentional infliction of substantial bodily harm, or great bodily harm, upon an TJS staff member, without the person's consent. See also Assault, Aggravated.

Audio Alert Device – Any device intended to be used to produce audio signals for purposes of repelling an attack or intrusion by others.

Behavior Skills Training – Students receive behavioral skills training from a school staff member in one or multiple sessions during the school day to learn, relearn and practice positive, appropriate school behaviors, usually in response to a disciplinary incident.

Bodily Harm – Physical pain or injury, illness, or any impairment of physical condition. For more details, see Minn. Stat. § 609.02. subd. 7.

Bullying – For the definition of Bullying, see Board Policy. Examples of bullying include, but are not limited to: (1) one student repeating an untrue, and objectively offensive, rumor throughout school about another student; (2) an older student repeatedly gesturing at a younger student as if the older student plans to hurt the younger student; (3) a student who is actually or perceived to be more popular convincing multiple other students not to be friends with a student who is actually or perceived to be less popular; (4) one student posting an embarrassing photo of another student on social media where other students can view it, causing the student in the photograph such distress that the student stops attending school; or (5) one student threatening to beat up another student after school, causing the second student to be too afraid to participate in any after school activities.

Bullying Using Technology (Cyberbullying) – This type of bullying takes place using technology or other electronic communication. <https://www.thejourneyschool.org/policies>

Bus Safety Class – An alternative to a bus suspension that requires student and parent to attend an educational class on bus safety.

Bus Violations – Any violation of this Handbook that occurs on or near any school bus or school bus stop. Disruptive behavior on the bus is reported as ‘Disruptive Behavior to and from school.’ Any other bus violation should be changed to the event type associated with the student’s actions, even if they took place on the bus. For example, a fight on the bus is coded as ‘Fighting,’ not ‘Disruptive Behavior to and from School.’

Cannabis, Possession/Use/Soliciting/Selling/Under the influence

Use and/or possession of cannabis at any school or work location. <https://www.thejourneyschool.org/policies>

CARE Assessment The Collaborate Assess Respond Evaluate (CARE) process assesses threats of violence, harm, or threatening behaviors to self or others, and determines the probability that a person will engage in harmful behavior. The purpose of the CARE Process is to guide a site-based team through an information gathering process that will result in a support plan to maximize student safety and provide all students with support needed.

Cellular Phones & Personal Electronic Devices - Personal electronic devices include, but are not limited to, cellular telephones, tablets, laptops, Bluetooth and wired devices (e.g. earbuds) connected to personal electronic devices, pagers, walkie-talkies, electronic mail devices, MP3 players, smart watches, and personal gaming systems
See <https://www.thejourneyschool.org/policies>

Cheating or Plagiarism – Academic dishonesty including, but not limited to, copying the work of others on school assignments or tests, and using the ideas or writings of another person. Cheating also includes misuse of technology to photograph, illegally copy or download materials from the Internet, or use a personal electronic device to text answers, etc.

Chemical Health Assessment – A student may be referred to voluntarily engage in an assessment, completed by a community agency, to determine their level of involvement with alcohol or other chemical use.

Classroom-Managed Behavior – Behavior that is handled in the classroom setting using the continuum of classroom interventions and consequences supported by a building’s School-Wide Discipline Plan.

Coercion – Coercion occurs when a person causes someone else to act against their will or to refrain from doing a lawful act by threatening, orally or in writing, to:

Inflict physical harm upon or confine someone (when it’s not a robbery or attempted robbery);

Inflict damage to someone’s property;

Injure a business, trade or profession;

Expose a deformity or secret, publish a defamatory statement, or otherwise expose a person to ridicule or disgrace;

Make or cause to be made a true or false criminal charge; or

Commit a violation under Section 617.261 (Nonconsensual Dissemination of Private Sexual Images).

Conflict Resolution – A way for two or more parties to find a peaceful solution and negotiate a resolution to a disagreement.

Contract – A written behavior agreement signed by the student, teacher, Student Support Team or Director, and/or parent/guardian.

Criminal Act – Commission of an act, on school property or in the course of a school sponsored or school- associated activity that would be a crime if committed by an adult.

Damage to Property of Others – Intentional damage to property of staff members and/or others.

Damage to School Property – Intentionally cutting, defacing, or otherwise damaging in any way any property, real or personal, belonging to or used by the school/district. The parent/guardian shall be liable for all damage caused by the student.

Defiance of Authority – Intentional refusal to follow directions given by a staff member. Examples include, but not limited to:

- When a student is clear about an expectation after being reminded of it, and then intentionally does the exact opposite to elicit a response.
- When students are not following adult directions but it does not fit into another category. For example, we tell students, “don’t fight,” but if they fight we do not put it under “defiance of authority,” we put it under “fighting.” Examples would include work refusal and verbally responding to the teacher that they will not follow their directions (“You can’t make me;” “I don’t have to listen to you;” “No”).
- When students persistently refuse to go to class.

Detention – The requirement that a student remains in school, or attends school outside of normal class time or school hours – may include lunch detention.

Discrimination – Discriminate or discrimination includes all unequal treatment of any individual by reason of race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, gender identity and expression, familial status, or disability. For purposes of discrimination based on sex, it includes sexual harassment.

Dismissal (or removal from school) – An action taken by school administration requiring a student to leave school for up to one full school day.

Disruptive Behavior – Situations and/or actions that staff believe interfere with or have the potential to interfere with effective learning and/or operations of the school.

Disruptive Behavior, Severe – Situations and/or actions that may endanger or have endangered the safety of others; or significantly violent, or threatening behavior that severely disrupts school, a school-sponsored activity, or a school-supervised activity held off school premises.

Disruptive Behavior to and from School – Behavior that endangers or harasses students on their way to and from school, or at the bus stop, or diverts the bus driver’s attention from driving.

Drugs or Controlled Substances, Possession/Use/Soliciting/Selling – The unlawful use, cultivation, manufacture, distribution, sale, purchase, possession, or transportation of any drugs or controlled substance; unlawfully being under the influence of any drugs or controlled substance; or possession of equipment or devices used for preparing or taking drugs or controlled substances. Student may be referred for a chemical use assessment. For more details, see Minn. Stat. § 152.01, subds. 1-23 (Def. of controlled substances), Minn. Stat. § 152.02, Minn. Stat. § 152.021, Minn. Stat. § 152.022, Minn. Stat. § 152.023, Minn. Stat. § 152.024, Minn. Stat. § 152.025 (controlled substance crimes in the 1st through 5th degrees),

Exclusion – An action taken by The Journey School Board of Education to prevent enrollment or re-enrollment of a student for a period that shall not extend beyond the current school year.

Explosive Device, Possession/Use/Or Intent to Use – Possessions, use, or intent to use an explosive device such as a bomb, grenade, mine, rocket, missile, pipe bomb, or similar device designed to explode and capable of causing bodily harm or property damage.

Expulsion – The legal act taken by The Journey School Board of Education to prohibit an enrolled pupil from further attendance for up to 12 months from the date the student is expelled in accordance with Minnesota Statutes §121A.40 to 121A.56.

Family Group Conference – School-based Family Group Conferencing is a restorative practice that supports school staff to come together with students and families to develop a plan to support the student's school engagement, accountability, and success.

Fighting – Mutual participation in which both parties have contributed to the situation by verbal and/or physical action.

Firearm – Firearms are banned from all property owned or controlled by TJS. A firearm is defined in Minn. Stat. § 609.666, subd.

1(a) as a device designed to be used as a weapon, from which is expelled a projectile by the force of explosion or force of combustion. For more details, see Board Policy and Minn. Stat. §121A.44.

Fires and False Fire Alarms –

(1) Failure to exercise ordinary caution, resulting in fire in a school building or damage to school property.

(2) False fire alarm – the giving of a false alarm of fire or the tampering or interference with any fire alarm system. Staff is required to notify police and fire departments. Student consequences include suspension, possible administrative transfer and restitution for damage.

Gambling – Playing a game of chance for stakes.

Gang Activity – Student misconduct may also constitute gang activity if it meets all of the following criteria: (1) The student/participant belongs to or associates with (2) a group of three or more people who band together under a common identifying symbol, sign, or name, and (3) the participant, while under the supervision of TJS School personnel, participates in a separate violation listed in this handbook to further an implicit or explicit goal of the gang/group. Gang activity is only an additional violation to a primary violation of another rule of student behavior.

Great Bodily Harm – Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. For more details, see Minn. Stat. § 609.02, subd. 8.

Harassment Based on Protected Status – Harassment includes physical or verbal conduct, or communication directed at an individual that is:

(1) based on an individual’s race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, familial status, sexual or affectional orientation, gender identity and expression, or disability; and

(2a) has the purpose or effect of creating an environment that is intimidating, hostile, or offensive with respect to that individual; or

(2b) otherwise adversely affects the individual’s employment, educational opportunities or access to a benefit from the school/district.

Examples of gender identity harassment include refusing to use the correct name and pronoun, violating personal privacy or data privacy including “outing” the student, physically barring or in other ways making it difficult to access facilities consistent with the student’s identity or expression.

For more details, see Minn. Stat. § 121A.03, and Board Policies.

Hazing – Committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. Prohibited conduct includes, but is not limited to, any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body. The policy applies to student conduct occurring on or off school property and during and after school hours. When such acts occur off school property, the prohibition against hazing applies if any connection to TJS is implicit or explicit.

Horseplay - Rough play in which students push and hit each other.

Incapacitation Device – a device designed or intended by the manufacturer to be used to temporarily immobilize or incapacitate

(1) persons by means of electronic pulse or a current;

(2) any pain compliance device; or tear gas or tear gas derivative, or any substance intended to function similar to tear gas.

For more details, see Minn. Stat § 624.731.

In-School Community Service – An action taken by school administration where a student is required to do voluntary work in order to give back to the community.

In-School Monitoring – A student may stay in school and allowed to attend classes, but must check in with designated staff at appropriate times. Staff may escort student in the hall or to the restroom when appropriate.

In-School Suspension – An action taken by school administration and/or Student Support Team to prohibit a student from attending classes for a period of time (more than half of a school day) while remaining under the supervision of school staff during the school day.

Intent, Intentionally, or Intentional – “With intent to” or “intentionally” or “intentional” means that the student/actor either has a purpose to do the thing or cause the result specified, or believes that the act, if successful, will cause that result. For more details, see Minn. Stat. § 609.02, subd. 9.

Intentional Damage of District Technology Resources – Willful damage to hardware, software or other equipment.

Interference/Obstruction – Any action taken to attempt to prevent a staff member from exercising his/ her lawfully assigned duties, including an administrative investigation.

Interim Alternative Educational Setting – An action taken by school and district administration to remove the special education student to an interim alternative educational setting for not more than 45 days. An Interim Alternative Educational Setting (of up to 45 school days) can ONLY be used if a student with a disability does the following at school, on school premises or at a school function (34 CFR § 300.530(g)):

(1) Carries a dangerous weapon or possesses a dangerous weapon (defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length) 18 USC §930(g)(2) (definition);

(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance (34 C.F.R. § 300.530 (definition)); or

(3) Inflicts serious bodily injury upon another person (defined as a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty) 18 USC §1365(h)(3)(g)(2) (definition).

The determination of an appropriate interim alternative educational setting is made by the student’s IEP team on a case-by-case basis.

Intervention – An opportunity for students to learn appropriate behavior with the goal of facilitating positive behavioral change. An intervention may involve school staff as well as support staff in the broader community.

Intimate Parts – Includes the primary genital area, groin, inner thigh, buttocks, or breast (as well as the clothing covering the immediate area of the intimate parts). For more details, see Minn. Stat. § 609.341, subds. 5, 11.

Language –

- **Abusive** - Student delivers verbal messages that include offensive or threatening language.
- **Inappropriate** - Swearing or using words in a disrespectful way.

Leaving School Grounds, Unauthorized – Leaving school grounds during school hours without proper clearance. For more details, see <https://www.thejourneyschool.org/policies>

Local Commission -- an agency of a city, county, or group of counties created pursuant to law, resolution of a county board, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status. As a protected class, we cannot discriminate or retaliate against anyone who serves on a local commission as defined by Minn. Stat. § 363A.03

Loss of Bus Privilege - Temporary or long-term prohibition for a student to ride a school bus to school or other events involving riding a school bus.

Loss of Privilege – An action taken by school administration to prevent a student from participating in an activity, or the loss of privilege as a consequence of a violation.

Manifestation Determination - A meeting where parents of a student with an IEP and school staff review relevant information about the child and answer two questions: 1. Was the behavior caused by, or have a direct and substantial relationship to the child's disability? 2. Was the behavior the direct result of the school's failure to implement the child's IEP? If the answer is "yes" to either of the above questions, then the behavior is determined to be a manifestation of the child's disability.

Medication Policy Violation – Students using or distributing prescription or non-prescription medication in an unauthorized manner.

Mediation – Students who are in conflict with one another may be asked to participate in a mediation session led by a mediator to resolve the issues causing the conflict.

Mentoring Program – With parent/guardian permission, a student may voluntarily meet with a trusted adult who is available to offer support and guidance. The mentor may be a school staff person or someone from the community. A number of schools have mentor programs.

Minnesota Pupil Fair Dismissal Act – The Pupil Fair Dismissal Act is a state law that protects all students, with or without disabilities, in suspension, expulsion, and exclusion proceedings. For more details, see Minn. Stat. § 121A.40 to § 121A.56.

Non-exclusionary Disciplinary Policies and Practices - Policies and practices that are alternatives to dismissing a student 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. Non-exclusionary disciplinary policies and practices include but are not limited to the policies and practices under Minn.Stat. § 120B.12 (Reading Proficiency No Later Than The End Of Grade 3), Minn.Stat. § 121A.575 (1) and (2)(Alternatives To Pupil Suspension); Minn.Stat. § 121A.031, Subd. 4(a)(1)(School Student Bullying Policy), Minn.Stat. § 121A.61, Subd. 3(r)(Discipline And Removal Of Students From Class), and Minn.Stat. § 122A.627(3)(Positive Behavioral Interventions And Supports).

Office-Managed Behavior – Behavior handled outside the classroom setting (using the continuum of support, both interventions and disciplinary responses, used by Student Support Team and the Director) which results in lost instructional time and is documented on the TJS Office Discipline Referral form.

Other Prohibited Items, Possession – Examples may include (but are not limited to): ammunition, lighters (without possession of other tobacco products), handcuffs, and any other toys or objects (to include toy guns that do not meet the definition of a replica firearm, toy knives, toy swords, etc.) that would not be identified as a weapon but may cause disruption. These items are not considered to be weapons.

Parent – Student's legal guardian as listed in JMC

Parent/Guardian Conference/Notification – Administrative discussion or communication with a parent or guardian to address student academic or behavioral issues.

Parking Violation – Parking in an unauthorized area on school property.

Physical Aggression (Bodily Harm) – An intentional act by a student resulting in bodily harm.

Physical Aggression (Substantial Bodily Harm) – An intentional act by a student resulting in substantial bodily harm. It includes, but is not limited to, kicking and slapping. "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member. Minn. Stat. § 609.02, subd 7a.

Physical Aggression to Staff – An intentional act by a student resulting in unwelcome physical contact with a staff person. It includes, but is not limited to, pushing, slapping, intimidation and spitting.

Physical Contact (No Bodily Harm) – Students engage in inappropriate physical contact, such as pushing, spitting, horseplay and intimidation.

Police Notification – If the Director or Student Support Team believes that a student may have violated a law, the police may be called to file a report and/or to assist as necessary.

Possession/Use –

- **Dangerous Weapon Other Than a Firearm** – A “dangerous weapon other than a firearm” is defined as
 - any device or instrument designed as a weapon and capable of producing death or great bodily harm
 - any device modified so that it may be used as a weapon and capable of producing death or great bodily harm
 - any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm
 - any fire that is used to produce death or great bodily harm
 - any knife with a blade equal to or greater than 2.5 inches in length
 - any replica firearm, BB gun, or pellet gun
 - brass knuckles

For more details, see Minn. Stat § 609.02, subd 8 (def. great bodily harm), Minn. Stat § 609.02, subd 6 (def. of dangerous weapon), Minn. Stat § 609.66 subd. 1d 18 U. S. C. § 930(g)(2) (def. dangerous weapon), St. Paul Legis. Code § 225.01, 225.02

- **Other Weapon or Object, not a firearm and not meeting Minnesota Statute dangerous weapon definition**
- **Other weapon includes any device or instrument** – including any non-conventional weapon – that, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm or substantial bodily harm, or fear of any degree of bodily harm. (Other weapons include knives with blades under 2.5 inches, look alike weapons, box cutters, etc.). See Minn. Stat. § 609.02 subds. 7, 7a, 9, and 17; Minn. Stat. § 609.713, subd. 3(b) (def. BB gun & replica firearm); and Minn. Stat. § 624.713 (ammunition).

Pyrotechnic Devices, Possession and/or Detonation – A firework or firecracker that can cause combustion.

Racial or Religious Harassment – Racial or religious harassment consists of physical or verbal conduct or communication relating to an individual’s race or religion when the conduct:

- (1) has the purpose or effect of creating an intimidating, hostile, derogatory, or offensive employment, educational, or school district environment
- (2) has the purpose or effect of substantially or unreasonably interfering with an individual’s employment or education or
- (3) otherwise adversely affects an individual’s employment, educational opportunities, or access to a benefit from the school district.

For more details, see Minn. Stat. § 121A.03

Racial or Religious Violence – Racial or religious violence is a physical act of aggression or assault or the threat of aggression or assault upon another because of, or in a manner reasonably related to, race or religion. Such an act may also constitute a criminal law violation. For more details, see Minn. Stat. § 121A.03, Board Policy 415.00.

Reckless or Careless Driving – Driving on school property in such a manner as to endanger persons or property.

Recess Detention – Withholding recess from a student as an intervention or disciplinary response. Recess detention is prohibited unless the student is likely to cause physical harm to students or staff; the parent(s)/guardian(s) agrees; or an IEP team determines that withholding recess is appropriate. It is prohibited to withhold recess because a student has incomplete schoolwork.

Record and Identification Falsification – Falsifying or altering signature or data, refusing to give proper identification or giving false identification to staff.

Referral for Other or Outside Services – Chemical use assessment, social worker, mental health, etc.

Removal from Class – An action taken by a teacher, the Director, Student Support Team or other school/district employees to prohibit a student from attending class for a period of time (must be less than half of a day). Please note: More than half of a day becomes In-School Suspension.

Restitution – Repairing harm or replacing items that were stolen or damaged or providing fair market value by way of compensation or service. It requires a student to pay for or fix damages or misappropriation of property and may be imposed separately or in addition to other sanctions.

Restorative Practice Strategies – Ways to invite students, families, community members and staff into relationships to build empathy, caring and communication skills. Restorative practices focus on building a sense of community and on the strengths and capacity of the participants. When restorative practices are successful, all feel safe in the school, because deep and lasting relationships are built among stakeholders. Community building circles, repair of harm circles, restorative chats, peer mediation, and family group conferencing are examples of restorative practice strategies

Robbery – The taking of personal property from another person or in the presence of another using or threatening the imminent use of force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property. If force or threat of force is not used, see Theft.

School Attendance Matters (SAM) – This refers to the TJS school attendance procedures.

School-Wide Discipline Plan – A flowchart that distinguishes TJS plan and procedures for handling classroom-managed and office-managed behaviors.

Sexual Behavior – Engaging in sexual behavior including, but not limited to, sexual intercourse or sexual penetration, sexual contact, indecent exposure, or masturbation. See also Intimate Parts and Sexual Contact.

Sexual Contact – Includes the consensual and non-consensual touching of another person's intimate parts or forcing a person to touch any person's intimate parts, and committed with sexual or aggressive intent. For more details, see Minn. Stat. § 609.341, subds. 5, 11. See Intimate Parts.

Sexual Harassment – Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other physical or verbal conduct or communication of a sexual nature when:

(1) that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment, educational, or school district environment

(2) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education or a benefit from the school district or

(3) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education or access to a benefit from the school district. For more details, see Minn. Stat. § 121A.03.

Sexual Misconduct, Aggravated – Any violation of Minn. Stat. § 609.342 (criminal sexual conduct in the 1st degree) through Minn. Stat. § 609.345 (criminal sexual conduct in the 4th degree). Criminal sexual conduct amounting to a violation includes criminal "sexual contact" or any other sexual act that would be a criminal act if committed by an adult (1) that is accomplished by force, coercion, or threat of a dangerous weapon, (2) that is committed against the person the actor knows or has reason to know is mentally impaired, mentally incapacitated or physically helpless, or (3) that otherwise violates Minn. Stat. § § 609.342- 609.345. For more details, see Minn. Stat. § 609.342-.345. See Intimate Parts, Sexual Contact, and Sexual Violence.

Sexual Violence – Sexual violence is a physical act of aggression or force, or the threat of aggression or force, that involves the touching of another person's intimate parts (as well as the clothing covering the intimate parts), or forcing a person to touch any person's intimate parts. For more details, see Minn. Stat. § 121A.03, Minn. Stat. § 609.341, and Board Policy 415.00. Such an act may also constitute a criminal law violation. See Assault, Intimate Parts, Sexual Behavior, Sexual Contact, and Sexual Misconduct, Aggravated.

Student Support Team – A general education and special education initiative that provides support for teachers in meeting the unique learning and behavioral challenges of their students. The goal is to assist those students needing differentiated instruction, behavioral supports, or other interventions to assure their success in the general education setting. The focus is on prevention and the teaching of new skills in the general education setting.

Student Conference – Administrative discussion or communication with students to address their academic or behavioral issues.

Student Dress – **"All students are required to wear the school uniform. The colors for the uniform tops are: purple, black or gray; and the colors for shorts/skirts/pants are: black chinos or gray chinos. Students are not required to wear their school uniform on Fridays."** Uniform tops may be purchased from TJS.

Substantial Bodily Harm – Bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member. For more details, see Minn. Stat. § 609.02, subd. 7a.

Suspension – An action taken by the school administration to prohibit a student from attending school for a period of greater than one (1) day and no more than ten (10) school days. An additional five days may be added if exclusion or expulsion is being considered, or if the student's presence will create an immediate and substantial danger. See Minn. Stat. § 121A.41

Tardiness – Arriving late to school or to class. See also Absence.

Teasing and Name Calling – Occurrences of teasing or name calling with or without the intent to injure, degrade, disgrace, or intimidate other individuals that do not meet the definition of Bullying.

Technology Misuse/Violation – Student engages in inappropriate use of technology including and not limited to iPad, mobile device, personal electronic device, camera, computer and/or other. Student removal of a memory card or battery from a camera, phone, or mobile device while it is in the process of being confiscated is considered grounds for disciplinary action by school administration.

Technology, Unauthorized or Inappropriate Use of District Technology Resources – Any act that violates the Board of Education’s Technology Usage and Safety Policy or constitutes an unacceptable or illegal use of the school district’s computer facilities, systems, networks or software. This includes sending or posting harmful text or images using the Internet, wireless phones, or other communications devices. This policy applies to student acts occurring on or off school property and during or after school hours using district technology resources. Student consequences include possible loss of technology access privileges, dismissal, police notification, and/or restitution. For more details, see Board Policy 520.00. See Bullying, Cyberbullying, Harassment.

Theft – Unauthorized taking/possession of school district property and of the property of another including but not limited to jackets, expensive electronics, etc.

Threats – Any oral, written, or physical expression of intention to cause harm or violence to another person or another’s property. Examples of threats that violate this policy include, but are not limited to, threats to damage an individual’s property, such as a car or computer, threats to assault another individual, or non-specific threats to cause injury to another individual. Examples of expressions that may not constitute threats include, but are not limited to, jokes, sarcastic remarks, friendly banter, or frustrated outbursts made without intent. *Administrators should carefully evaluate the intent of the student making the expression and consider the factors identified on Page 14. * Threats are reported using the following three categories:

- **Threats, In Person** – Any expression of intention to cause harm or violence to another person or another’s property that is delivered by someone in immediate physical proximity to the person being threatened. The potential for immediate harm or violence must exist.
- **Threats, Not In-Person** – Any expression of intention to cause harm or violence to another person or another’s property that is delivered virtually or by other means.
- **Threats, Aggravated** – Any threat of violence:
 - (i) made with the intent to cause extreme fear or panic within a substantial portion of the school community;
 - (ii) made with the intent to cause evacuation or lockdown of a building, place of assembly, school event, or vehicle;
 - (iii) made repeatedly against an individual or group; OR
 - (iv) any expression that does not meet the definition of threat, but is made with reckless disregard for the risk of, and actually causes, the extreme fear, panic, evacuation, or lockdown contemplated by (i) and (ii).

Examples of an aggravated threat may include, but are not limited to, a student calling in a bomb threat, a student posts on social media that the student intends to commit a school shooting, a student threatens to burn down a school building or school bus, or a student makes a joke causing the lockdown of a school building.

Tobacco and Other Tobacco Related Devices, Possession/Use – Students are prohibited from having tobacco, lighters, matches, e-cigarettes, electronic delivery devices, and tobacco related devices in their possession. Possession or use of any type of tobacco product by a student will be governed by Minnesota Statutes and TJS Board of Education policy regarding Tobacco Free Environment. Three cumulative violations will result in a referral to Ramsey County Attorney.

Trespassing – Being physically present on school property or at a school activity after being directed to leave by a school administrator or other person lawfully responsible for the control of the premises. Being on school grounds

during a dismissal or suspension period is considered trespassing. For more details, see Minn. Stat. § 609.605, subd. 4; St. Paul Legis. Code § § 283.01-283.03.

Unauthorized Use of School Property – The unauthorized or illegal use of school property for non-school sponsored activities.

Violation – Doing something prohibited by policy, law, or code of behavior.

Warning – An oral or written communication to stop a behavior that interferes with the learning environment or is unsafe.

Appendix I - Board of Education Policies

501.00 Hazing Prohibition

1. No student, teacher, administrator, volunteer, contractor, other employee of the School District or member of the Board of Education shall plan, direct, encourage, aid or engage in hazing.
2. No teacher, administrator, volunteer, contractor, other employee of the School District or member of the Board of Education shall permit, condone or tolerate hazing.
3. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
4. Prohibition of hazing extends to behavior that occurs on or off school property during and after school hours.
5. A person who engages in an act that violates the district's prohibition of hazing or any law prohibiting hazing in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
6. The School District shall act to investigate all complaints of hazing and will discipline any student, teacher, administrator, volunteer, contractor, other employee of the School District or member of the Board of Education who is found to have violated this policy.

Definitions

1. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
 - a. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 - b. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the students to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - c. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 - d. Any activity or communication that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 - e. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of the School District policies or regulations.
2. "Student organization" means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization need not be an official school organization to fall under this definition.

Reporting Procedures

1. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct that may constitute hazing shall report the alleged acts immediately to an appropriate School District official designated by this policy.
2. The building principal is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to the Human Resources Department or to the Office of the Superintendent.
3. Teachers, administrators, volunteers, contractors, other employees of the School District and members of the Board of Education shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person, who receives a report of, observes, or that that may constitute hazing, shall inform the building principal immediately.
4. Submission of a good-faith complaint or report of hazing will not affect the complainant's or reporter's future employment, grades or work assignments.

School District Action

Upon receipt of a complaint or report of hazing, the School District shall undertake or authorize an investigation by the administrator to whom the principal reports or a third party designated by the School District.

The School District may take immediate steps to protect the complainant, reporter, students, or others pending completion of an investigation of hazing. Upon completion of the investigation, the School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences shall be sufficiently severe to deter violations and to appropriately discipline prohibited behavior.

Reprisal

The School District shall discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, other employee of the School District or member of the Board of Education who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists or participates in an investigation, or against any person who testifies, assists or participates in proceedings or hearing relating to such hazing.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Dissemination of Policy

This policy shall appear in each school's student handbook and in each school's building and staff handbooks.

Legal References:

- Minn. Stat. § 121A.69

Cross References:

- Board Policy 506.00 Student Discipline
- Board Policy 415.00 Harassment, Violence and Other Offensive Behavior

Bullying Prohibition

Purpose

A safe and supportive environment is vital for The Journey School ("the District") to support academic and social success for all of its students. Students attending school in the District are expected to respect themselves, the learning environment, other students, their parents/guardians, families and all staff. Bullying is strictly prohibited in the District. This policy addresses bullying of students; other policies apply to treatment of employees.

In an effort to provide a safe and positive school culture for all of its students for all students, it is the District's intent to:

- Teach, model, and reinforce positive behavior, and
- Investigate, respond to, remediate, and discipline bullying behavior that has not been successfully prevented.

Definitions

- A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
 - (1) there is an actual or perceive imbalance of power between the student engaging in prohibited conduct and the target of the behavior and the conduct is repeated or forms a pattern; OR
 - (2) materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.
- B. "Cyberbullying" means bullying using technology or other electronic communication, including but not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet Web site forum, transmitted through a computer, cell phone, or other electronic device.
- C. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- D. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct.
- E. Intimidating, threatening, abusive or harming conduct includes, but is not limited to, conduct that:
 - causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property; violates a student's reasonable expectation of privacy;

- defames a student;
 - constitutes intentional infliction of emotional distress against a student; or
 - is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in chapter 363A.
 - creates a hostile educational environment for a student, or
 - subjects a student to intimidation, ridicule, embarrassment or social isolation.
- F. "Reprisal" means retaliation, intimidation, or any form of intentionally disparate treatment against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, proceeding or hearing relating to such bullying.

Prohibition

- A. Bullying or cyberbullying against a student, by either an individual or a group, is prohibited at TJS.
- B. Reprisals or retaliation by any student or District employee against any person who in good faith asserts, alleges, or reports prohibited conduct or provides information about such conduct are prohibited.
- C. Knowingly making a false report of bullying is prohibited.
- D. Prohibited conduct is prohibited:
 - 1. On school property, school district-provided transportation, or at designated locations for students to wait for school district-provided transportation.
 - 2. During any school-sponsored or school-sanctioned program, activity, event or trip.
 - 3. Using school computers, electronic technology, networks, forums, or mailing lists.
 - 4. Using electronic technology off the school premises that materially and substantially disrupts a student's learning or school environment.
- E. This policy applies to individuals who directly engage in an act of bullying, as well as to those individuals who, by their behavior, indirectly support another's act of bullying.
 - 1. Employees, volunteers, and contractors of the District shall not allow bullying. Any school employee who witnesses prohibited conduct, or possesses reliable information that would lead a reasonable person to suspect that a student is a target of prohibited conduct, must make reasonable efforts to address and resolve the prohibited conduct. This policy also applies to individuals who, by their indirect behavior, support another's act of bullying.
 - 2. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

Investigations

- A. The responsible administrator for implementation of, and questions regarding, this policy in any school building is the building principal, site administrator, or principal's or site administrator's designee.
- B. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct, which may constitute bullying, should report the alleged acts immediately, or as soon after the incident as possible.
- C. The responsible administrator shall initiate an investigation into all reports of prohibited conduct within three school days of the report.
- D. Pending the completion of the investigation, the District shall take immediate steps to protect the target, reporter, students, bystanders, and others as necessary and consistent with applicable law.
- E. During the investigation, the individual alleged to have engaged in prohibited conduct will be allowed to present a defense.
- F. Complaints and investigations of bullying shall be documented using Form 415.00.1: Report of Discrimination, Harassment, Violence, Bullying and Other Offensive Behavior. The responsible administrator shall maintain all documentation regarding the complaint and investigation in accordance with procedures created by the Director.
- G. The investigation shall be conducted in accordance with this policy and the procedures created by the Director.

- H. A report of prohibited conduct may be made anonymously. However, the responsible administrator may not rely solely on an anonymous report to determine discipline.
- I. In determining whether a reported incident constitutes bullying, and the appropriate response, the District may take into account all relevant circumstances including, but not limited to, the following factors:
 - 1. The age, maturity, and understanding levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidents or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.
- J. Data collected by the District during an investigation is subject to the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act.

Responses

- A. When a complaint of prohibited conduct is substantiated, the responsible administration will consider all available remedial responses and take appropriate action and/or intervention in accordance with the Student Behavior Handbook: Rights and Responsibilities and the procedures created by the Director.
- B. Where appropriate for a child with a disability to prevent or respond to prohibited conduct, the child's individualized education program or section 504 plan will address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct.

Publication, Information, and Training

- A. This policy will be publicized through: (1) new employee materials; (2) inclusion in the Student Behavior Handbook: Rights and Responsibilities for Students, Parents, Guardians and Staff; (3) posting on the District's website; (4) provision to each school employee and independent contractor, if a contractor regularly interacts with students, at the time of employment with the District; and (5) conspicuous posting in summary form in administrative offices throughout the District.
- B. The District will require ongoing professional development, consistent with the law, to ensure implementation of this policy.
- C. The District will provide information about available community resources to the target of prohibited conduct, the actor, and other affected individuals, as appropriate.

Legal References:

Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.03 (Model Policy)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)

Cross References:

102.00 Equal Opportunity/Non-Discrimination
415.00 Harassment, Violence and Other Offensive Behavior
501.00 Hazing Prohibition
506.00 Student Discipline
Student Behavior Handbook: Rights and Responsibilities
520.00 Technology Usage and Safety

Discrimination, Harassment, Violence, and Retaliation

Purpose

The Journey School ("the District") believes in the dignity of its students, staff, and all other District personnel. To that end, the District strives to maintain a learning and working environment that is free from discrimination, harassment or violence on the basis of race, color, national origin, creed, religion, marital status, familial status, sex, sexual or affectional orientation,

gender identity and expression, status with respect to public assistance, age, disability, membership or activity in a local commission as defined by Minn. Stat. § 363A.03. The District also strives to maintain a learning and working environment that is free from retaliation. The District will act to investigate all complaints of violations of this policy. In responding to violations of this policy, the District will take appropriate and proportional action to protect all victims, deter similar future behavior, and accomplish the District's core mission to educate and promote growth.

General Statement of Policy

- A. This policy applies to students, teachers, administrators, and all other District personnel.
- B. The policy of the District is to maintain a learning and working environment that is free from discrimination, harassment, or violence on the basis of race, color, national origin, creed, religion, marital status, familial status, sex, sexual or affectional orientation, gender identity and expression, status with respect to public assistance, age, disability, membership or activity in a local commission as defined by Minn. Stat. § 363A.03. The District prohibits any form of discrimination, harassment, or violence on the basis of race, color, national origin, creed, religion, marital status, familial status, sex, sexual or affectional orientation, gender identity and expression, status with respect to public assistance, age, disability, membership or activity in a local commission as defined by Minn. Stat. § 363A.03.
- C. The policy of the District is to maintain a learning and working environment that is free from retaliation. The District prohibits any form of retaliation.
- D. A violation of this policy occurs when any student, teacher, administrator, or other District personnel discriminates against or harasses a student, teacher, administrator, or other District personnel or group of students, teachers, administrators, or other District personnel based on a person's race, color, national origin, creed, religion, marital status, familial status, sex, sexual or affectional orientation, gender identity and expression, status with respect to public assistance, age, disability, membership or activity in a local commission as defined by Minn. Stat. § 363A.03.
- E. A violation of this policy occurs when any student, teacher, administrator, or other District personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other District personnel or group of students, teachers, administrators, or other District personnel based on a person's race, color, national origin, creed, religion, marital status, familial status, sex, sexual or affectional orientation, gender identity and expression, status with respect to public assistance, age, disability, membership or activity in a local commission as defined by Minn. Stat. § 363A.03.
- F. A violation of this policy occurs when any student, teacher, administrator, or other District personnel engages in retaliation or threatens retaliation against any person who has or is believed to have (1) reported, asserted, or alleged a violation of this policy or any other policy, law, or regulation; (2) made a good faith report of an alleged violation of this policy or any other policy, law, or regulation; (3) acted as a witness in any investigation of a complaint alleging a violation of this policy or any other policy, law, or regulation; (4) testified, assisted, or participated in any fact-finding investigation, hearing, or proceeding regarding an alleged violation of this policy or any other policy, law, or regulation; and/or (5) assisted in formulating or implementing corrective action in response to a violation of this policy or any other policy, law, or regulation.
- G. A violation of this policy occurs when any student, teacher, administrator, or other District personnel intentionally makes a false report of discrimination, harassment, violence, or retaliation.
- H. The District will act to investigate all complaints, either formal or informal, verbal or written, of discrimination, harassment, or violence based on a person's race, color, national origin, creed, religion, marital status, familial status, sex, sexual or affectional orientation, gender identity and expression, status with respect to public assistance, age, disability, membership or activity in a local commission as defined by Minn. Stat. § 363A.03. The District will act to investigate all complaints, either formal or informal, verbal or written, of retaliation. The District will act to discipline or take appropriate action against any student, teacher, administrator, or other District personnel who is found to have violated this policy.

Definitions

- A. District personnel, solely for the purposes of this policy, includes Board of Education members, District employees, agents, volunteers, contractors, or persons subject to the supervision and control of the District.
- B. Harassment prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, national origin, creed, religion, marital status, familial status, sex, sexual or affectional orientation, gender identity and expression, status with

respect to public assistance, age, disability, membership or activity in a local commission as defined by Minn. Stat. § 363A.03 when the conduct:

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 3. otherwise adversely affects an individual's employment or academic opportunities.
- C. Immediately means as soon as possible but in no event longer than 1 business day. A business day is defined by the federal government calendar, and not by the District school calendar.
- D. Protected Classifications; Definitions
1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
 2. "Familial status" means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
 3. "Gender" means the socially constructed roles, behaviors, activities, and attributes that a given society attaches to femininity or masculinity.
 4. "Gender Expression" means the manner in which persons represent or express gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
 5. "Gender Identity" means a person's deeply held sense or knowledge of their own gender.
 6. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
 7. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
 8. "Race" is inclusive of traits associated with race, including but not limited to hair texture and hair styles such as braids, locs, and twists.
 9. "Sex" refers to a person's biology and is generally categorized as male, female, or intersex. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
 10. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
 11. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- E. Remedial response means a measure to stop and correct acts of discrimination, harassment, violence, or retaliation, prevent acts of discrimination, harassment, violence, or retaliation from recurring, and protect, support, and intervene on behalf of a student or employee who is the target or victim of acts of discrimination, harassment, violence, or retaliation.
- F. Sexual Harassment; Definition
1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or

- b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
- 2. Sexual harassment may include, but is not limited to:
 - a. unwelcome verbal harassment or abuse;
 - b. unwelcome pressure for sexual activity;
 - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other District personnel to avoid physical harm to persons or property;
 - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence; Definition

- 1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
- 2. Sexual violence may include, but is not limited to:
 - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

H. Responsible Administrator

- 1. In a school building, the Responsible Administrator is the principal or the principal's designee.
- 2. In a District building or department in which there is no principal, the Responsible Administrator is the supervisor of that building or department or that supervisor's designee.

I. Materially Adverse Action

Any action that causes or threatens to cause significant injury or harm to a reporter, complainant or other covered person such that it would likely dissuade a reasonable student or District personnel from making or supporting a good-faith report of an alleged violation of this policy. Adverse action does not include an action, including employment or academic action, that would have been taken regardless of the good-faith report of misconduct.

J. District Human Rights Officer

- 1. The District Human Rights Officer is the Director of Equal Employment Opportunity.
- 2. The Board of Education hereby designates the Director of Equal Opportunity as the District Human Rights Officer to receive reports or complaints of discrimination, harassment, violence, or retaliation prohibited by this policy.
- 3. In the event the position of the Director of Equal Employment Opportunity is vacant, the interim District Human Rights Officer is the individual designated by the superintendent.

Reporting Procedures

- A. Any person who believes that such person has been the target or victim of discrimination, harassment, violence, or retaliation in violation of this policy by a student, teacher, administrator, or other District personnel, or any person with knowledge or belief of conduct which may constitute discrimination, harassment, violence, or retaliation prohibited by this policy toward a student, teacher, administrator, or other District personnel or group of students, teachers, administrators, or other District personnel must report the alleged acts immediately to an appropriate District official designated by this policy. A person may report conduct which may constitute discrimination, harassment, violence, or retaliation anonymously. The District, however, may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The District encourages the reporting party or complainant to use the 415.00.1 Form, but oral reports shall be considered complaints as well. All oral reports, however, must be promptly reduced to writing on the 415.00.1 Form by the Responsible Administrator.
- C. Nothing in this policy shall prevent any person from reporting discrimination, harassment, violence, or retaliation directly to the District Human Rights Officer or to the superintendent. If the complaint involves the Responsible Administrator, the complaint shall be made or filed directly with the superintendent or the District Human Rights Officer by the reporting party or complainant.
- D. At the building or department level, the Responsible Administrator is the person responsible for receiving oral or written reports of discrimination, harassment, violence, or retaliation prohibited by this policy. Any adult District personnel who receives a report of discrimination, harassment, violence, or retaliation prohibited by this policy shall inform the Responsible Administrator immediately, unless the complaint involves allegations against the Responsible Administrator. If the complaint involves allegations against the Responsible Administrator, the complaint shall be made or filed directly with the superintendent or the District Human Rights Officer immediately. The Responsible Administrator and the District Human Rights Officer shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented.
- E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of discrimination, harassment, violence, or retaliation. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute discrimination, harassment, violence, or retaliation shall make reasonable efforts to address and resolve the discrimination, harassment, violence, or retaliation and shall inform the Responsible Administrator immediately, unless such person knows or has reason to believe that the Responsible Administrator has engaged in the conduct prohibited by this policy. In such cases, the report should be made directly to the superintendent or District Human Rights Officer immediately. District personnel who fail to inform the Responsible Administrator of conduct that may constitute discrimination, harassment, violence, or retaliation or who fail to make reasonable efforts to address and resolve the discrimination, harassment, violence, or retaliation in a timely manner may be subject to disciplinary action.
- F. Upon receipt of a report, the Responsible Administrator must notify the District Human Rights Officer immediately, before screening or investigating the report. The Responsible Administrator may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded immediately by the Responsible Administrator to the District Human Rights Officer. If the report was given verbally, the Responsible Administrator shall personally reduce it to written form within one (1) business day. Failure to forward any report or complaint of discrimination, harassment, violence, or retaliation as provided herein may result in disciplinary action against the Responsible Administrator.
- G. If a complaint of conduct prohibited by this policy involves allegations against the District Human Rights Officer, the complaint shall be immediately filed directly with the superintendent. If a complaint of conduct prohibited by this policy involves allegations against the superintendent, the report may be filed directly with the Board of Education.
- H. The District shall conspicuously post the name of the District Human Rights Officer, including mailing addresses and telephone number.
- I. Submission of a good faith complaint or report of discrimination, harassment, violence, or retaliation prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.

- K. Reports of discrimination, harassment, violence, or retaliation prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, a witness of discrimination, violence, harassment, or retaliation, or an individual involved in formulating or implementing corrective action is prohibited.
- N. False accusations or reports of discrimination, harassment, violence, or retaliation against another person are prohibited.
- O. A person who engages in an act of discrimination, harassment, violence, retaliation, or false reporting of discrimination, harassment, violence, or retaliation, or permits, condones, or tolerates discrimination, harassment, violence, or retaliation shall be subject to discipline or other remedial responses for that act in accordance with the District's policies and procedures.

Investigation

- A. By authority of the District, the Responsible Administrator, within three (3) business days of the receipt of a report or complaint alleging discrimination, harassment, violence, or retaliation prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by District officials or by a third party designated by the District.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents or electronic files and/or videos deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the District should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on the facts and surrounding circumstances using a preponderance of the evidence standard.
- D. In addition, the District may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other District personnel pending completion of an investigation of alleged discrimination, harassment, violence, or retaliation prohibited by this policy.
- E. The investigation will be completed within 30 business days from receipt of the complaint, unless it is impracticable to complete the investigation within this timeframe. The person completing the investigation shall document the investigation and its conclusion on the Form 415.00.1. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. Upon completion of the investigation, the Responsible Administrator shall ensure that the Form 415.00.1 and any other report of the investigation are submitted to both the District Human Rights Officer and to the following individual:
 - 1. For an investigation involving allegations against a student, to the area assistant superintendent; or
 - 2. For an investigation involving allegations against District personnel, to the Executive Director of Human Resources or the Executive Director's designee.

District Corrective Action

- A. The District will take corrective action for any violation of this policy. Such corrective action will be consistent with the law and regulations, District policies, and any relevant collective bargaining agreements.
- B. Corrective action will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior.
 - 1. Corrective action for students who commit, or are a party to, prohibited acts of discrimination, violence, harassment, or retaliation, or who engage in intentional false reporting of discrimination, harassment, violence, or retaliation may include, but are not limited to, remedial responses, positive behavioral interventions, interventions and restorative practices or responses, warnings, transfer, suspension, and/or expulsion.

2. Corrective action for employees who permit, condone, or tolerate discrimination, harassment, violence, or retaliation, or who engage in intentional false reporting of discrimination, harassment, violence, or retaliation may include, but is not limited to, remedial responses and/or disciplinary action up to and including termination or discharge.
 3. Corrective action for other individuals engaging in prohibited acts of discrimination, harassment, violence, or retaliation, or who engage in intentional false reporting of discrimination, harassment, violence, or retaliation may include, but not be limited to, exclusion from District property and events and/or termination of services and/or contracts.
- C. The District may also discipline any student, employee, or other personnel of the District for derogatory statements or conduct based on the characteristics identified in Section I of this policy, which do not constitute illegal discrimination, harassment, violence, or retaliation but nonetheless are inappropriate.
 - D. The District is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the District, except as permitted by law.
 - E. In order to prevent or respond to acts of discrimination, harassment, violence, or retaliation committed by or directed against a child with a disability, the District shall, where determined appropriate by the child's individualized education program ("IEP") or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of discrimination, harassment, violence, or retaliation.

Retaliation

- A. The District unequivocally prohibits retaliation, and will discipline or take other appropriate corrective action, against any person to whom this policy applies that engages in retaliation or threatens retaliation against any person who has or is believed to have:
 1. Reported, asserted, or alleged a violation of this policy or any other policy, law, or regulation;
 2. Made a good faith report of an alleged violation of this policy or any other policy, law, or regulation;
 3. Acted as a witness in any investigation of a complaint alleging a violation of this policy or any other policy, law, or regulation;
 4. Testified, assisted, or participated in any fact-finding or investigation, hearing, or proceeding regarding an alleged violation of this policy or any other policy, law, or regulation; and/or
 5. Assisted in formulating or implementing corrective action in response to a violation of this policy or any other policy, law, or regulation.
- B. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Retaliation also means any materially adverse action or credible threat of a materially adverse action by the District, or any employee thereof, taken against any employee or student for having made a good-faith report of District misconduct. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the retaliation.

Dissemination of Policy and Training

- A. This policy shall be conspicuously posted throughout each District building in areas accessible to students and District personnel.
- B. This policy shall be given to each District employee and independent contractor that regularly interacts with students at the time of initial employment with the District.
- C. The policy shall appear in the Rights and Responsibilities Handbook.
- D. The District shall develop a method of discussing this policy with students and employees.

Legal References:

Minn. Stat. § 120B.232 (Character Development Education)

Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)

Minn. Stat. § 121A.031 (School Student Bullying Policy)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. § 609.341 (Definitions)

Minn. Stat. § 626.556 et seq. (Reporting of Maltreatment of Minors)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)
42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)
42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)

Cross References:

Policy 101.00: Racial Equity
Policy 102.00: Equal Opportunity/Non-Discrimination
Policy 401.00: Equal Employment Opportunity
Policy 500.00: Gender Inclusion
Policy 501.00: Hazing Prohibition
Policy 505.00: Bullying Prohibition
Policy 506.00: Student Discipline
Policy 506.02: Student Discipline: Expulsion & Exclusion
Policy 506.03: Student Discipline: Suspension
Policy 520.00: Technology Usage & Safety
Policy 609.00: Religion

Appendix II – Minnesota Pupil Fair Dismissal Act

Minn. Stat. § 121A.40 CITATION.

Sections [121A.40](#) to [121A.56](#) may be cited as the "Pupil Fair Dismissal Act."

121A.41 DEFINITIONS.

Subdivision 1. **Applicability.** As used in sections [121A.40](#) to [121A.56](#), the terms defined in this section shall have the meanings assigned them.

Subd. 2. **Dismissal.** "Dismissal" means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class.

Subd. 3. **District.** "District" means any school district.

Subd. 4. **Exclusion.** "Exclusion" means an action taken by the school board to prevent enrollment or reenrollment of a pupil for a period that shall not extend beyond the school year.

Subd. 5. **Expulsion.** "Expulsion" means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled.

Subd. 6. **Parent.** "Parent" means (a) one of the pupil's parents, (b) in the case of divorce or legal separation, the parent or parents with physical custody of the pupil, including a noncustodial parent with legal custody who has provided the district with a current address and telephone number, or (c) a legally appointed guardian. In the case of a pupil with a disability under the age of 18, parent may include a district-appointed surrogate parent.

Subd. 7. **Pupil.**

(a) "Pupil" means any student:

(1) without a disability under 21 years of age; or

(2) with a disability under 21 years old, who has not received a regular high school diploma or for a child with a disability who becomes 21 years old during the school year but has not received a regular high school diploma, until the end of that school year; and

(3) who remains eligible to attend a public elementary or secondary school.

(b) A "student with a disability" or a "pupil with a disability" has the same meaning as a "child with a disability" under section [125A.02](#).

Subd. 8. **School.** "School" means any school defined in section [120A.05, subdivisions 9, 11, 13, and 17](#).

Subd. 9. **School board.** "School board" means the governing body of any school district.

Subd. 10. **Suspension.** "Suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section [125A.091, subdivision 5](#), the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

Subd. 11. **Alternative educational services.** "Alternative educational services" may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under section [123A.05](#) selected to allow the pupil to progress toward meeting graduation standards under section [120B.02](#), although in a different setting.

Subd. 12. **Non-exclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.**

"Non-exclusionary 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 intervention and supports, social and emotional services, school-linked mental health services, counseling services, social work services, academic screening for Title I services or reading interventions, and alternative education services. Non-exclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

Subd. 13. **Pupil withdrawal agreement.** "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.

121A.42 POLICY.

No public school shall deny due process or equal protection of the law to any public school pupil involved in a dismissal proceeding which may result in suspension, exclusion, or expulsion.

121A.425 FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL AND PREKINDERGARTEN.

Subdivision 1. **Disciplinary dismissals prohibited.**

A pupil enrolled in the following is not subject to dismissal under this chapter:

- (1) a preschool or prekindergarten program, including an early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program; or
- (2) kindergarten through grade 3.

This provision does not apply to a dismissal from school for less than one school day, except as provided under chapter 125A and federal law for a student receiving special education services.

Notwithstanding this subdivision, expulsions and exclusions may be used only after resources outlined in subdivision 2 have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

Subd. 2. **Non-exclusionary discipline.**

For purposes of this section, non-exclusionary discipline must include at least one of the following:

- (1) collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;
- (2) creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in the current educational program, including a preschool or prekindergarten program; or
- (3) providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.

121A.43 EXCLUSION AND EXPULSION OF PUPILS WITH A DISABILITY.

(a) Consistent with federal law governing days of removal and section [121A.46](#), school personnel may suspend a child with a disability. When a child with a disability has been suspended for more than five consecutive school days or ten cumulative school days in the same school year, and that suspension does not involve a recommendation for expulsion or exclusion or other change of placement under federal law, relevant members of the child's individualized education program team, including at least one of the child's teachers, shall meet and determine the extent to which the child needs services in order to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's individualized education program. That meeting must occur as soon as possible, but no more than ten days after the sixth consecutive day of suspension or the tenth cumulative day of suspension has elapsed.

(b) A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period. The notice requirements under section [121A.46](#) do not apply to a dismissal of one day or less.

(c) A child with a disability shall be provided alternative educational services to the extent a suspension exceeds five consecutive school days.

(d) Before initiating an expulsion or exclusion under sections [121A.40](#) to [121A.56](#), the district, relevant members of the child's individualized education program team, and the child's parent shall, consistent with federal law, determine whether the child's behavior was caused by or had a direct and substantial relationship to the child's disability and whether the child's conduct was a direct result of a failure to implement the child's individualized education program. When a child with a disability who has an individualized education program is excluded or expelled under sections [121A.40](#) to [121A.56](#) for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services during the exclusion or expulsion.

121A.44 EXPULSION FOR POSSESSION OF FIREARM.

(a) Notwithstanding the time limitation in section [121A.41, subdivision 5](#), a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.

(b) Notwithstanding chapter 13, a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

121A.45 GROUNDS FOR DISMISSAL.

Subdivision 1. Provision of alternative programs.

No school shall dismiss any pupil without attempting to use non-exclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

Subd. 2. Grounds for dismissal.

A pupil may be dismissed on any of the following grounds:

- (a) willful violation of any reasonable school board regulation. Such regulation must be clear and definite to provide notice to pupils that they must conform their conduct to its requirements;
- (b) 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
- (c) willful conduct that endangers the pupil or other pupils, or surrounding persons, including school district employees, or property of the school.

Subd. 3. Parent notification and meeting.

If a pupil's total days of removal from school exceeds ten cumulative days in a school year, the school district shall make reasonable attempts to convene a meeting with the pupil and the pupil's parent or guardian before subsequently removing the pupil from school and, with the permission of the parent or guardian, arrange for a mental health screening for the pupil. The district is not required to pay for the mental health screening. The purpose of this meeting is to attempt to determine the pupil's need for assessment or other services or whether the parent or guardian should have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a mental health disorder.

121A.46 SUSPENSION PROCEDURES.

Subdivision 1. Informal administrative conference before suspension.

The school administration shall not suspend a pupil from school without an informal administrative conference with the pupil. The informal administrative conference shall take place before the suspension, except where it appears that the pupil 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.

Subd. 2. Administrator notifies pupil of grounds for suspension.

At the informal administrative conference, a school administrator shall notify the pupil of the grounds for the suspension, provide an explanation of the evidence the authorities have, and the pupil may present the pupil's version of the facts.

Subd. 3. Written notice of grounds for suspension.

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 sections [121A.40](#) to [121A.56](#), shall be personally served upon the pupil at or before the time the suspension is to take effect, and upon the pupil's parent or guardian by mail within 48 hours of the conference. The district shall make reasonable efforts to notify the parents of the suspension by telephone as soon as possible following suspension. In the event a pupil is suspended without an informal administrative conference on the grounds that the pupil will create an immediate and substantial danger to surrounding persons or property, the written notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of the suspension. Service by mail is complete upon mailing.

Subd. 4. Provision of alternative education services; suspension pending expulsion or exclusion hearing.

Alternative education services must be provided to a pupil who is suspended for more than five consecutive school days.

Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five days.

Subd. 5. Minimum education services. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete daily and weekly assignments and receive teachers' feedback.

121A.47 EXCLUSION AND EXPULSION PROCEDURES.

Subdivision 1. Requiring a hearing; pupil may waive hearing.

No exclusion or expulsion shall be imposed without a hearing, unless the right to a hearing is waived in writing by the pupil and parent or guardian. The action shall be initiated by the school board or its agent.

Subd. 2. Written notice. Written notice of intent to take action shall:

- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time, and place of the hearing;
- (d) be accompanied by a copy of sections [121A.40](#) to [121A.56](#);
- (e) describe the non-exclusionary disciplinary practices accorded the pupil in an attempt to avoid the expulsion proceedings; and
- (f) inform the pupil and parent or guardian of the right to:
 - (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district must advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education and is posted on their website;
 - (2) examine the pupil's records before the hearing;
 - (3) present evidence; and
 - (4) confront and cross-examine witnesses.

Subd. 3. Hearing schedule.

The hearing shall be scheduled within ten days of the service of the written notice unless an extension, not to exceed five days, is requested for good cause by the school board, pupil, parent or guardian.

Subd. 4. Convenient time and place of hearing.

The hearing shall be at a time and place reasonably convenient to pupil, parent or guardian.

Subd. 5. Closed or open hearing.

The hearing shall be closed unless the pupil, the parent, or guardian requests an open hearing.

Subd. 6. Impartial hearer.

The hearing shall take place before:

- (1) an independent hearing officer;
- (2) a member of the school board;
- (3) a committee of the school board; or
- (4) the full school board; as determined by the school board. The hearing shall be conducted in a fair and impartial manner.

Subd. 7. Creating hearing record.

The school board shall record the hearing proceedings at district expense, and a party may obtain a transcript at its own expense. Testimony shall be given under oath. The hearing officer or a member of the school board shall have the power to issue subpoenas and administer oaths.

Subd. 8. Access to pupil's records.

At a reasonable time prior to the hearing, the pupil, parent or guardian, or representative, shall be given access to all public school system records pertaining to the pupil, including any tests or reports upon which the proposed action may be based.

Subd. 9. Pupil's right to compel testimony.

The pupil, parent or guardian, or representative, shall have the right to compel the attendance of any official employee or agent of the public school system or any public employee or any other person who may have evidence upon which the proposed action may be based, and to confront and to cross-examine any witness testifying for the public school system.

Subd. 10. Pupil's right to present evidence and testimony.

The pupil, parent or guardian, or representative, shall have the right to present evidence and testimony, including expert psychological or educational testimony.

Subd. 11. Pupil not compelled to testify.

The pupil cannot be compelled to testify in the dismissal proceedings.

Subd. 12. Hearer's recommendation limited to evidence at hearing; service within two days.

The recommendation of the hearing officer or school board member or committee shall be based solely upon substantial evidence presented at the hearing and must be made to the school board and served upon the parties within two days of the end of the hearing.

Subd. 13. Basis of school board decision; opportunity for comment.

The school board shall base its decision upon the recommendation of the hearing officer or school board member or committee and shall render its decision at a meeting held within five days after receiving the recommendation. The school board may provide the parties with the opportunity to present exceptions and comments to the hearing officer's recommendations 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 of the basis and reason for the decision.

Subd. 14. Admission or readmission plan.

(a) The Director must prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan may include measures to improve the pupil's behavior, which may include completing a character education program, consistent with section [120B.232, subdivision 1](#), social and emotional learning, counseling, social work services, mental health services, referrals for special education or 504 evaluation, and evidence-based academic interventions. The plan must include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

(b) The definition of suspension under section [121A.41, subdivision 10](#), does not apply to a student's dismissal from school for less than one school day, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section [125A.091, subdivision 5](#), a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

121A.48 GOOD FAITH EXCEPTION.

A violation of the technical provisions of the Pupil Fair Dismissal Act, made in good faith, is not a defense to a disciplinary procedure under the act unless the pupil can demonstrate actual prejudice as a result of the violation.

121A.49 APPEAL.

A party to an exclusion or expulsion decision made under sections [121A.40](#) to [121A.56](#) may appeal the decision to the commissioner of education within 21 calendar days of school board action. Upon being served with a notice of appeal, the district shall provide the commissioner and the parent or guardian with a complete copy of the hearing record within five days of its receipt of the notice of appeal. All written submissions by the appellant must be submitted and served on the respondent within ten days of its actual receipt of the transcript. All written submissions by the respondent must be submitted and served on the appellant within ten days of its actual receipt of the written submissions of the appellant. The decision of the school board must be implemented during the appeal to the commissioner.

In an appeal under this section, the commissioner may affirm the decision of the agency, may remand the decision for additional findings, or may reverse or modify the decision if the substantial rights of the petitioners have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) in violation of constitutional provisions;
- (2) in excess of the statutory authority or jurisdiction of the school district;

- (3) made upon unlawful procedure, except as provided in section [121A.48](#);
- (4) affected by other error of law;
- (5) unsupported by substantial evidence in view of the entire record submitted; or
- (6) arbitrary or capricious.

The commissioner or the commissioner's representative shall make a final decision based upon the record. The commissioner shall issue a decision within 30 calendar days of receiving the entire record and the parties' written submission on appeal. The commissioner's decision shall be final and binding upon the parties after the time for appeal expires under section [121A.50](#).

121A.50 JUDICIAL REVIEW.

The decision of the commissioner of education made under sections [121A.40](#) to [121A.56](#) is subject to judicial review under sections [14.63](#) to [14.69](#). The decision of the commissioner is stayed pending an appeal under this section.

121A.51 REPORTS TO SERVICE AGENCY.

The school board shall report any action taken pursuant to sections [121A.40](#) to [121A.56](#) to the appropriate public service agency, when the pupil is under the supervision of such agency.

121A.52 NONAPPLICATION OF COMPULSORY ATTENDANCE LAW.

The provisions of section [120A.22, subdivision 5](#), shall not apply to any pupil during a dismissal pursuant to sections [121A.40](#) to [121A.56](#).

121A.53 REPORT TO COMMISSIONER OF EDUCATION.

Subdivision 1. **Exclusions and expulsions; student withdrawals; physical assaults.**

Consistent with subdivision 2, the school board must report through the department electronic reporting system each exclusion or expulsion, each physical assault of a district employee by a pupil, and each pupil withdrawal agreement within 30 days of the effective date of the dismissal action, pupil withdrawal, or assault to the commissioner of education. This report must include a statement of non-exclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the pupil's age, grade, gender, race, and special education status.

Subd. 2. **Report.**

(a) The school board must include state student identification numbers of affected pupils on all dismissal and other disciplinary reports required by the department. The department must report annually to the commissioner summary data on the number of dismissals and physical assaults of district employees by a student by age, grade, gender, race, and special education status of the affected pupils. All dismissal and other disciplinary reports must be submitted through the department electronic reporting system.

(b) The commissioner must aggregate the district data reported under this section and include the aggregated data, including aggregated data on physical assaults of a district employee by a student, in the annual school performance reports under section [120B.36](#).

121A.54 NOTICE OF RIGHT TO BE REINSTATED.

Whenever a pupil fails to return to school within ten school days of the termination of dismissal, a school administrator shall inform the pupil and the pupil's parents by mail of the pupil's right to attend and to be reinstated in the public school.

121A.55 POLICIES TO BE ESTABLISHED.

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections [121A.40](#) to [121A.56](#). The policies must include non-exclusionary disciplinary policies and practices consistent with section

121A.41, subdivision 12, and must emphasize preventing dismissals through early detection of problems. The policies must be designed to address students' inappropriate behavior from recurring.

(b) The policies must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.

(c) The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section [120B.02](#) and help prepare the pupil for readmission in accordance with section 121A.46, subdivision 5.

(d) For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in section 121A.41, subdivision 13:

- (1) For a pupil who remains enrolled in the district or is awaiting enrollment in a new district, a school district's continuing responsibility includes reviewing the pupil's schoolwork and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. A school district must communicate on a regular basis with the pupil's parent or guardian to ensure that the pupil is completing the work assigned through the alternative educational services as defined in section 121A.41, subdivision 11. These services are required until the pupil enrolls in another school or returns to the same school;
- (2) A pupil receiving school-based or school-linked mental health services in the district under section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and
- (3) A school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the district or charter school website.

(e) An area learning center under section [123A.05](#) may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(f) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

121A.56 APPLICATION.

Subdivision 1. **Prohibition against discrimination remains in effect.**

Sections [121A.40](#) to [121A.56](#) shall not be deemed to amend or otherwise affect or change section [363A.13, subdivision 2](#).

Subd. 2. **Portions of school program for credit.**

Sections [121A.40](#) to [121A.56](#) shall apply only to those portions of the school program for which credit is granted.

121A.57 [Renumbered [121A.035](#)]

121A.575 ALTERNATIVES TO PUPIL SUSPENSION.

Notwithstanding any law to the contrary and in accordance with sections [121A.40](#) to [121A.56](#), after a school administration notifies a pupil of the grounds for suspension, the school administration may, instead of imposing the suspension, do one or more of the following:

- (1) strongly encourage a parent or guardian of the pupil to attend school with the pupil for one day;
- (2) assign the pupil to in school suspension or detention supervised by the Director or the Director's designee; and
- (3) petition the juvenile court that the student is in need of services under chapter 260C.

Appendix III - Procedure for Discipline Complaint (TJS Procedure)

Minnesota Statute Section 121A.61 requires the School District to enact a districtwide school discipline policy that contains a discipline complaint procedure that students, parents and other guardians, and school staff may use to file a complaint and seek corrective action regarding the requirements of Minnesota Statutes Sections 121A.40 to 121A.61, including the implementation of the local behavior and discipline policies are not being implemented appropriately or are being discriminatively applied.

TJS urges that parties first attempt to resolve complaints with the Director before filing a formal complaint. If these attempts have been unsuccessful, a formal complaint may be filed using the Discipline Complaint Procedure Form.

A. The formal complaint process is as follows:

1. Students, parents and other guardians, and school staff may file a complaint and seek corrective action regarding the requirements of Minnesota Statutes Sections 121A.40 to 121A.61, including the implementation of the local behavior and discipline policies are not being implemented appropriately or are being discriminatively applied.
2. A reporting party or complainant shall email cwilliams@thejourneyschool.org to complete a Discipline Complaint Procedure Form
3. The Discipline Complaint Procedure Form should be submitted within fourteen (14) calendar days of the start of the disciplinary action. Any complaint that is submitted beyond fourteen (14) calendar days will not be considered.
4. Upon receipt, the Discipline Complaint Procedure Form will be sent to the administration where the student who is the subject of the complaint attends. The appropriate administration personnel will manage the investigation and any resulting record and will also be responsible for keeping and regulating access to any record.
5. The investigation of the complaint must begin within three (3) school days of receipt.
6. The investigation may be conducted by the appropriate administration personnel or designee or by a third party designated by the School District.
7. The investigation will provide an opportunity for involved parties to submit additional information related to the complaint.
8. The administration personnel or designee shall document its conclusion on the Form shall issue a written determination to the complainant that addresses each allegation and contains findings and conclusion.
9. If the investigation finds that the requirements of Minnesota Statutes Sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, a corrective action plan will be developed to correct the student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future.
10. The School District will respect the privacy of the complainant, the student, the individual against whom the complaint is made, and the witnesses as much as possible, consistent with the School District's legal obligations to investigate, take appropriate action, and to reply to the complainant with a written determination.
11. Reprisals or retaliation against any person who, in good faith, asserts, alleges, or reports a complaint is prohibited. Any individual found to have engaged in reprisal or retaliation against any person who, in good faith, asserts, alleges, or reports a complaint will be subject to discipline consistent with School District policies, procedures, and any applicable collective bargaining agreement.
12. Knowingly false or meritless reports are prohibited. Any individual found to have submitted a knowingly false or meritless report will be subject to discipline consistent with School District policies, procedures, and any applicable collective bargaining agreement.
13. This procedure shall be posted on the School District website and shall appear in the Rights and Responsibilities Handbook.

Resources and Assistance

Equal Opportunity/Non-Discrimination Policy

TJS does not discriminate on the basis of race, creed, sex, marital status, national origin, age, color, religion, gender identity and expression, ancestry, status with regard to public assistance, sexual or affectional orientation, familial status, disability or membership or activity in a local commission. Inquiries regarding our non-discrimination policies should be directed to cwilliams@thejourneyschool.org

To report discrimination, harassment or other violations:

- **Employees** – contact Human Resources at cwilliams@thejourneyschool.org.
- **Students** – first contact the school/program at 612-389-1579 to report discrimination, including Title IX (sexual discrimination, sexual harassment) violations or violations of student human rights. If the alleged harasser is a student, first report the incident to the Student Support Team. Another option is to report the conduct to the Director at 612-389-1579

Students with Disabilities

TJS Resources

- Special Education Department: 612-389-1579
- 504 Coordinator: 612-389-1579

Non-TJS Schools Resources

- MDE (Minnesota Department of Education): 651-582-5200
- PACER (Parent Advocacy Coalition for Education Rights): 952-838-9000



**Statewide Assessments:
Parent/Guardian Participation Guide and Refusal Information**

Your student’s participation in statewide assessments is important as it allows your school and district to ensure all students have access to a high-quality education. In the past, students with disabilities and English learners were often excluded from statewide assessments. By requiring that all students take statewide assessments, schools and teachers have more information to see how all students are doing. This helps schools to continuously improve the education they provide and to identify groups, grades, or subjects that may need additional support.

Assessments Connect to Standards

Statewide assessments are based on the [Minnesota Academic Standards](#) or the [WIDA English Language Development Standards](#). These standards define the knowledge and skills students should be learning in K–12 districts and charter schools. Minnesota prioritizes high-quality education and statewide assessments give educators and leaders an opportunity to evaluate student and school success.

Minnesota Comprehensive Assessments (MCA)
MCA and the alternate assessments (Minnesota Test of Academic Skills (MTAS)/Alternate MCA) are the annual assessments in reading, mathematics and science that measure a snapshot of student learning of the Minnesota K–12 Academic Standards.

WIDA ACCESS and WIDA Alternate ACCESS for English Learners
The WIDA ACCESS and WIDA Alternate ACCESS are the annual assessments for English learners that provide information about their progress in learning academic English, based on the WIDA English Language Development Standards.

Statewide Assessments Help Families and Students

Participating in statewide assessments gives families a snapshot of their student’s learning so they can advocate for their success in school.

English learners who take the WIDA ACCESS or WIDA Alternate ACCESS and meet certain requirements have the opportunity to exit from English learner programs.

Taking Statewide Assessments Helps Your Student’s School

Statewide assessments provide information to your school and district about how all students are engaging with the content they learn in school. This information helps:

- Educators evaluate their instructional materials.
- Schools and districts identify inequities between groups, explore root causes and implement supports.
- School and district leaders make decisions on how to use money and resources to support all students.

Student Participation in Statewide Assessments

Student participation in state and locally required assessments is a parent/guardian choice. If you choose to have your student not participate in a statewide assessment, please provide a reason for your decision on the form on the following page. Contact your student’s school to learn more about locally required assessments.

Updated March 2025

Consequences of Not Participating in Statewide Assessments

- The student will not receive an individual score. For WIDA ACCESS and WIDA Alternate ACCESS, the student will not have the opportunity to exit their English learner program.
- School and district assessment results will be incomplete, making it more difficult to have an accurate picture of student learning.
- Since all eligible students are included in some calculations even when they do not participate, school and district accountability results are impacted. This may affect the school’s ability to be identified for support or recognized for success.

Check with your local school or district to see if there are any additional consequences for not participating

Explore the Statewide

(education.mn.gov > Students and Families > Programs and Initiatives > Statewide Testing)

Additional Information

- On average, students spend less than 1% of instructional time taking statewide assessments each year.
- Minnesota statutes limit the total amount of time students can spend taking other district- or school-wide assessments to 11 hours or less each school year, depending on the grade.
- School districts and charter schools are required to publish an assessment calendar on their website by the October 1 each school year. Refer to your district or charter school’s website for more information on assessments.

Statewide Assessments: Parent/Guardian Decision Not to Participate

By completing this form, you are acknowledging that your student will not participate in statewide assessments and will not receive individual assessment results. This form must be submitted to your student's school or district office prior to testing.

First Name: _____ Middle Initial: _____ Last Name: _____

Date of Birth: _____ Current Grade in School: _____ Student ID Number (if known): _____

School: _____ District: _____

Parent/Guardian Name (print): _____

Parent/Guardian Signature: _____ Date: _____

Reason for Refusal: _____

Please indicate the statewide assessment(s) you are opting your student out of this school year:

Reading MCA/Alternate MCA

Science MCA/Alternate MCA

Mathematics MCA/MTAS

WIDA ACCESS/WIDA Alternate Access

Contact the school office for more information on how to opt out of local assessments.

(Note: This form is only applicable for the 2025 to 2026 school year.)

Updated August 2025

