

## Laws Governing Student Behavior

### *Laws governing student behavior supplement the Pupil Fair Dismissal Act*

Laws on student behavior require districts and schools to adopt policies and rules on attendance, bullying and hazing, discipline and removing students from class, sexual, religious, and racial harassment and violence prevention, and school lockers. These laws may sometimes lead to students being suspended, excluded, or expelled from school under the Pupil Fair Dismissal Act.

### *Students must attend school and students' chronic unexcused absences may lead to truancy*

All children between ages 7 and 17 must attend a school unless they have graduated. School districts may require students to attend summer school. An elementary student absent three school days without a valid excuse and a secondary student absent three or more class periods on three school days without a valid excuse is a "continuing truant." An elementary student absent seven school days without a lawful excuse and a secondary student under age 17 absent one or more class periods on seven school days without a lawful excuse is a "habitual truant." A student age 16 or older who is eligible for the graduation incentives program and meets certain other criteria may be referred to an area learning center if the referral is in the student's best interest.

### *Students are prohibited from bullying or hazing other students*

Districts and schools must have policies to prevent student bullying and hazing. The bullying policy must help detect behavioral problems early and prevent students' inappropriate behavior from recurring, and prohibit a student from bullying another student. Nonpublic and home school students who voluntarily participate in a co-curricular, extracurricular, or other public school activity are subject to the anti-bullying policy while they participate in the activity. The hazing policy must address student and staff hazing on and off school property and during and after school hours, and include appropriate disciplinary consequences.

### *School officials may remove disruptive students from a class or activity, consistent with the school board's adopted policy*

School boards must develop and adopt written rules on students' classroom conduct, the minimum consequences for violating such rules, and the grounds and procedures for removing students from class. In developing policies school boards must consult with administrators, teachers, other district employees, students, parents, community members, law enforcement agencies, county attorneys, social service agencies, and others as appropriate. A teacher, principal, or other district employee may prohibit a student from attending a class or activity for up to five school days. School officials must notify and meet with the parent of a student removed from class more than ten times in one school year.

Grounds for removing a student from class include: willful conduct that significantly disrupts the rights of others to an education; willful conduct that endangers others or school property; and a willful violation of a specified, board-adopted rules of conduct. A board's policy on removal from class must address: notice about the policy and rules; grounds for removal; the authority of school personnel to remove a student; the period for removing a student, which must not

exceed five class periods over five school days; custodial responsibility for a removed student; returning a removed student to class; notice to the student and parent about the student's misconduct and discipline; procedures for detecting a student's behavioral problems and involving parents in early intervention efforts; appropriate referrals for special education services; procedures to detect and address a student's chemical abuse at school; consequences for violating the policy; intervention procedures; use of reasonable force by a district employee or agent; and crisis services coordinated with a county board.

***Federal and state special education laws affect the discipline of students with disabilities***

Federal and state special education laws affect how schools discipline students with disabilities. Procedures such as corporal punishment are prohibited. Conditional, restrictive procedures such as holding down or secluding a student are permitted in an emergency as part of an individualized education program (IEP) or with a parent's consent, but only if the school meets certain professional oversight and training requirements.

Schools may subject students to in-school suspensions if the student continues to receive the same special education services. Schools must hold an IEP meeting for students suspended from school for five or more consecutive days or for more than ten cumulative days in a school year. A school may place a student in an alternative education setting only with the permission of a hearing officer. Schools cannot exclude or expel a student for behavior related to the student's disability. Schools may discipline a student with disabilities like any other student for behavior unrelated to the student's disability.

***Students and school personnel must comply with a harassment and violence policy***

School boards must adopt a written sexual, religious, and racial harassment and violence policy consistent with Minnesota's Human Rights Act. The policy must apply to students and school personnel and establish disciplinary actions for violating the policy that conform to collective bargaining agreements and the Pupil Fair Dismissal Act. School boards must include the policy in the student handbook on school policies and develop a process for discussing the policy with students.

***Students may use school lockers but school officials may inspect the lockers without notice or consent***

School boards must include information about the school locker policy in the student handbook, notify parents, and give students a copy of the policy when first assigning them to a locker, which remains district property. Under the policy, school officials may inspect the inside of a student's locker for any reason without notice or student consent, but must not search a student's personal possessions unless the official reasonably suspects the search will uncover evidence of a violation of a law or school rule.

***Teachers must report a student abusing alcohol or a controlled substance to a school team***

Teachers who know or have reason to believe a student is using, possessing, or transferring alcohol or a controlled substance while on school premises or involved in a school-related activity must immediately notify the school's chemical abuse pre-assessment team. Teachers and other school employees may report to a law enforcement agency any violation of law occurring on school premises or at school-sponsored activities.

**For more information:** Contact legislative analyst Lisa Larson at 651-296-8036. Also see the House Research publications *The Pupil Fair Dismissal Act*, August 2016, and *School Resource Officers (SROs)*, December 2015.

The Research Department of the Minnesota House of Representatives is a nonpartisan office providing legislative, legal, and information services to the entire House.