

CHAPTER 127

ACTIONS AND PENALTIES

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127.09 REFUSING TO SERVE ON SCHOOL BOARD.

Any person who accepts election or appointment to any school board and who refuses or neglects to qualify or to serve or to perform any of the duties of the office, shall be fined \$10 for each offense. The fine shall be collected in an action before a county or municipal court. It may be prosecuted in the name of the district by any school board member or eligible voter, as defined in section 123.32, subdivision 1a, of the district.

History: 1983 c 359 s 7

127.17 SECRET FRATERNITIES AND SOCIETIES.

[For text of subs 1 to 3; see M.S.1982]

Subd. 4. **“Rushing” or soliciting forbidden.** It is a misdemeanor for any person, not a pupil of the schools, to be upon school grounds, or to enter any school building, for the purpose of “rushing” or soliciting any pupil of the schools to join any fraternity, society, or association organized outside of the schools. Municipal and county courts have jurisdiction of offenses committed under this subdivision. All persons found guilty shall be fined not less than \$2, nor more than \$10, to be paid to the county treasurer or, upon failure to pay the fine, to be imprisoned for not more than ten days.

History: 1983 c 359 s 8

127.25 APPEALS.

[For text of subs 1 and 2, see M.S.1982]

Subd. 3. **Appeal.** An appeal lies from the district court in accordance with the rules of civil appellate procedure.

[For text of subd 4, see M.S.1982]

History: 1983 c 247 s 59

127.27 DEFINITIONS.

[For text of subd 1, see M.S.1982]

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

[For text of subs 3 to 5, see M.S.1982]

Subd. 6. **Parent.** “Parent” means (a) one of the pupil’s parents, or (b) in the case of divorce or legal separation, or if the child’s mother was not married to the

child's father when the child was conceived nor when the child was born, the custodial parent.

[For text of subds 7 to 10, see M.S.1982]

History: 1983 c 7 s 1; 1983 c 163 s 1; 1983 c 243 s 5 subd 1

127.33 JUDICIAL REVIEW.

The decision of the commissioner of education made pursuant to sections 127.26 to 127.39 shall be subject to judicial review in accordance with chapter 14.

History: 1983 c 247 s 60

127.40 DEFINITIONS.

Subdivision 1. **Removal from class.** "Removal from class" and "removal" mean any actions taken by a teacher, principal, or other school district employee to prohibit a pupil from attending class for a period of time not to exceed three class or activity periods, pursuant to procedures established in the school district discipline policy adopted by the school board pursuant to section 127.41.

Subd. 2. **Class period.** "Class period" or "activity period" means, in secondary grades, instruction for a given course of study. A class period or activity period means, in elementary grades, a period of time not to exceed one hour, regardless of the subject of instruction.

History: 1983 c 163 s 2

127.41 ADOPTION OF POLICY ON DISCIPLINE AND REMOVAL OF STUDENTS FROM CLASS.

Subdivision 1. **Required policy.** Prior to the beginning of the 1984-1985 school year each school board shall adopt a written district-wide school discipline policy which shall include written rules of conduct for pupils and grounds and procedures for removal of pupils from class. The policy shall be developed with the participation of administrators, teachers, employees, pupils, parents, community members, and such other individuals or organizations as the board determines appropriate.

Subd. 2. **Grounds for removal from class.** The policy shall establish the various grounds for which a pupil may be removed from a class in the district for a period of time pursuant to the procedures specified in the policy. The grounds in the policy shall include at least the following provisions as well as other grounds determined appropriate by the board:

(a) willful conduct which materially and substantially disrupts the rights of others to an education;

(b) willful conduct which endangers school district employees, the pupil or other pupils, or the property of the school;

(c) willful violation of any rule of conduct specified in the discipline policy adopted by the board.

Subd. 3. **Policy components.** The policy shall include at least the following components:

(a) rules governing pupil conduct and procedures for informing pupils of the rules;

(b) the grounds for removal of a pupil from a class;

(c) the authority of the classroom teacher to remove pupils from the classroom pursuant to procedures and rules established in the district's policy;

(d) the procedures for removal of a pupil from a class by a teacher, school administrator, or other school district employee;

(e) the period of time for which a pupil may be removed from a class, which may not exceed three class periods for a violation of a rule of conduct;

(f) provisions relating to the responsibility for and custody of a pupil removed from a class;

(g) the procedures for return of a pupil to the specified class from which the pupil has been removed;

(h) the procedures for notifying pupils and parents or guardians of violations of the rules of conduct and of resulting disciplinary actions;

(i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a pupil's behavior;

(j) any procedures determined appropriate for encouraging early detection of behavioral problems;

(k) any procedures determined appropriate for referring pupils in need of special education services to those services; and

(l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individual education plan of a handicapped pupil who is removed from class.

History: 1983 c 163 s 3

127.42 REVIEW OF POLICY.

The principal and the licensed employees in a school building shall confer at least annually to review the discipline policy and to assess whether the policy has been enforced.

History: 1983 c 163 s 4