

Appendix L

Expelled Students

Expelled Student's Right to Education

Students who have been expelled are entitled to continue receiving alternative educational services, including special education services, from the expelling district, irrespective of the students' residency. Students who are expelled from the resident district or school are entitled to alternative educational services from the resident district. Students who are expelled from a nonresident district, to which the students open enrolled or were placed, are entitled to alternative education services from the nonresident district. District responsibility to continue to serve expelled students is outlined in the Pupil Fair Dismissal Act (PFDA). See Minnesota Statutes, sections 121A.41, subdivision 11; 121A.43; and 121A.45, subdivision 1.

These alternative educational services may be provided in a variety of ways, including but not limited to:

1. The expelling district may send a teacher to the students' home. These students are not considered homebound and should be reported as part-time students. One hour of one-on-one instruction for expelled students is one hour of membership, not one day of membership.
2. The expelling district may send a teacher to meet the students in a public, non-school location, such as a library or community center. This is not considered homebound instruction.
3. The expelling district may refer the expelled students to a State-Approved Alternative Program (SAAP) in the same district or another district. See Minnesota Statutes, sections 123A.05 and 124.68.
4. Students may opt to transfer via Graduation Incentives (GI) to another district's school. This could include elementary, middle, junior or senior high or SAAP depending on the students' grade level. See Minnesota Statutes, sections 124D.68-124D.69.

MARSS Reporting for Expelled Students

On the Minnesota Automated Reporting Student System (MARSS), students who have been expelled but are receiving instruction are reported based on the amount of instruction for which they are scheduled. For students enrolled in an SAAP or who are receiving part-time instruction away from the high school campus, Attendance Days and Membership Days are reported in terms of hours. Percent Enrolled is 999. Attendance hours are the number of actual student-to-teacher contact hours during the expulsion period. Membership hours are the number of hours of student-to-teacher contact hours scheduled during the expulsion period. In cases where no set schedule exists, attendance and membership will be equal.

Students who have been expelled, but who have transferred to a school in another district or a charter school, and who are enrolled full time can be reported with Percent Enrolled 100 and Attendance Days and Membership Days reported in terms of days rather than hours. If students are enrolled in a school and scheduled to attend the school site on a regular but part-time schedule, Attendance Days and Membership Days can be reported in

terms of days, and Percent Enrolled would equal the percent of the day that the students are scheduled to attend, i.e., less than full time.

Independent Study for Expelled Students

Expelled students of any age are eligible to participate in a state-approved independent study program at an SAAP. See Minnesota Statutes, section 121A.55 (b). No additional applications or approvals are necessary to serve expelled students. Refer to *Procedure Number 8* to report students for independent study. Expelled students are not required to meet the minimum age requirement to qualify for an independent study program. See Minnesota Statutes, section 123A.06, subdivision 2.

For additional information on independent study approval, contact the department's SAAP specialist at 651-582-8567.

Expelled Students Not Receiving Direct Instruction

Students must receive instruction from a licensed public school teacher to be eligible to generate any state aid. Sending coursework home with a parent or sibling may meet the district's alternative educational responsibilities, but it does not constitute instruction that is eligible to generate state aid.

Expelled students do not meet the homebound criteria. Refer to the *Homebound Service Indicator* in the Data Elements section of the MARSS manual. One hour of one-on-one instruction for expelled students by an appropriately licensed teacher is one hour of membership, not one day of membership. Without independent study approval, expelled students are part time.

Transportation Responsibilities

If the expelling district is the student's resident district, the resident district must provide transportation for students it places in:

- Another school in the district, as long as district and distance criteria are met, or
- Another district or cooperative school program, or SAAP.

If the expelling district is a non-resident district (i.e., student attending the non-resident district under an enrollment options program), the non-resident district must provide transportation within attendance area boundaries for the students it places in:

- Another school in the district, as long as district and distance criteria are met, or
- Another district or cooperative school program, or SAAP. The enrollment options students would be required to get to the original district of enrollment in order to access this transportation.

If the expelled students opt not to attend the district, cooperative program or SAAP in which the expelling district places them, they can transfer to another district through open enrollment (Minn. Stat. § 124D.03), charter school enrollment (Minn. Stat. § 124E), or nonresident board agreement (Minn. Stat. § 124D.08). In such

cases, the students are responsible for their own transportation at least to the boundary of the district. The enrolling district must provide the required transportation for students within the attendance area boundaries of the school that the student is attending (or as governed under Charter Law under Minnesota Statutes, section 124E). If a student's bus privilege has been revoked under Minnesota Statutes, section 121A.59, then the expelling district would not be responsible for any transportation services.

For a student with a disability, transportation may be governed by the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. See Minnesota Statutes, section 121A.59.