NORTH DAKOTA
DEPARTMENT OF
PUBLIC INSTRUCTION

Suspension and Expulsion Report Instructions

2025-2026

New for 2025-2026: Truancy data is no longer collected.

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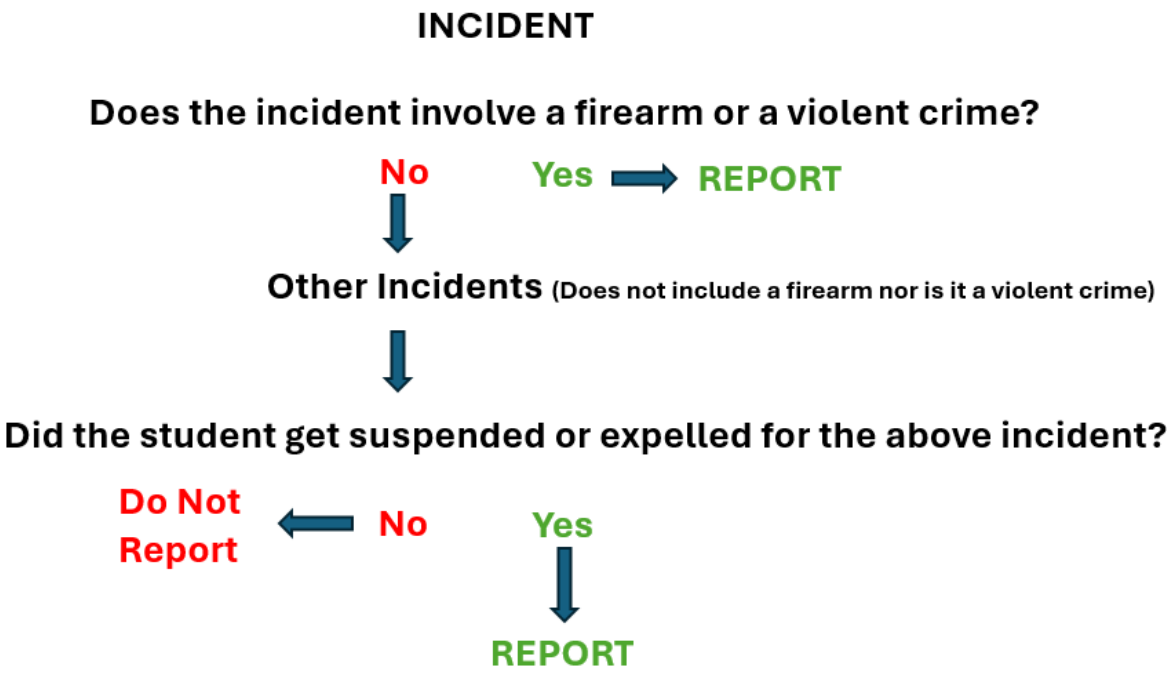
Reporting Incidents:



Reporting Statutory Requirements

The following reported information is used to meet the following reporting statutory requirements:

- Unsafe School Choice Option (USCO) (Title VIII, Part F, Subpart 2, SEC. 8532)
- Every Student Succeeds Act (ESSA) ESEA, Title XIV, Part F – Gun-Free School Act (GFSA)
- Individuals with Disabilities Education Act (IDEA), Part B

Every North Dakota school building: all public and BIE schools receiving Federal Title funds are required to file the *Suspension and Expulsion Report.* The data is compiled and disaggregated to meet the above statutory and reporting requirements.

If a school building has **NO incidents to report for the school year, you must**
1) complete only the Notification section and
2) submit a blank report.

All incidents should be entered in a timely manner, however they must be entered and submitted no later than June 15th of each school year.

If a report is not submitted - your building will be out of compliance with Federal law which may result in ESEA funds not being available.

If is very important that ***accurate reporting*** is submitted. Descriptions are provided for each applicable offense based upon North Dakota statutes and references to statutory citations that provide complete explanations of each designated offense.

The descriptions provided are not intended to be a complete explanation of each offense or a substitute for the actual provisions of the authorizing statutes. Instead, the descriptions are provided as an aid in facilitating understanding of the general intent and practical applications of the ***violent criminal offenses*** as they relate to the USCO policy, GFSA, IDEA Part B and NDCC.

Reporting Instructions

The District representative assigned access for the SET report must have a STARS login and password to access the STARS system.

- If no login / password, follow the directions: STARS Help Documents
- In addition, you must be granted permission from your administrator as it is the school's responsibility to ensure student records are protected. If you are a new superintendent to your district, DPI MIS must grant permission.

Login to DPI STARS

A. After entering login & password, you will be taken to the **"Fill Out Reports"** page

- Click the tab "Other"
- A Suspension and Expulsion box will appear
- Entity: Choose your school building from the menu
- Verify the present school year and click "Select"

To view / print the instructions, click on the Help icon from the left menu.

B. Notification

- Click “Notification” from the left column menu in the Sections area
- Enter the requested information of individual/s responsible for completing the report
- Click “Save” and “Validate” from the upper right corner

If there are **NO** suspensions or expulsions to report, click “Submit”

This is the final step for buildings with NO incidents to report.

C. Add Incident

Click “Suspension Expulsion” from the left column menu in the Sections area

Click + “Add Incident” **(*See pages 4-8 for incident definitions.)**

Incident Date: enter the date of incident; not required for truancy

Incident: the drop down menu will allow you to view and select from the topical list.

- A **glossary** of definitions can be found at the end of this document and on the STARS help screen.

Location: the drop down menu will allow you to view and select one option

Victim: the drop down menu will allow you to view and select one option

Number of victims: enter the number of victims involved in the incident

Violent Incident with Physical Injury: If yes, click this box

Suspension / Expulsion Code: optional; use only when the school building is importing data. If left blank, the STARS system will automatically default this code.

Comments: optional; districts have requested space for making notes about an incident; this is not a required field and can be left blank.

Click “Save” at top right corner

The incident data must be entered first and saved before the student data can be entered.

Import / Export

In response to schools who collect SET data with their local reporting system, DPI STARS was updated to allow schools to import or export data to transfer the incident information from their local reporting system into STARS. Using the left column Tools, the ability to import and export is available. Contact DPI Management Information Systems at (701) 328-3235 or (701) 328-2371 for Import/Export Layouts Incidents or Students directions.

D. Add Students

- After entering the incident and saving, a purple box in the upper right corner which reads **SAVE COMPLETE** will appear. Scroll down and click on “Add Students”.
- Choose the students involved in the incident. Choose a grade and/or last name and click the filter button to see students reported with that information.

- Student lists are generated from what is currently being reported in the enrollment reports. Both public and nonpublic schools will need to enter students in enrollment before they will be able to be imported into the SET report.
- To add a student to an incident, check the first column in the grid to the left of the student's name and click "Save Changes" in the top right of the screen.
- Enter removal days by the number of school days; the system allows you to enter full days, partial days, or both.
- Check the box if a weapon violation resulted in a full year expulsion or less than a full year expulsion; check the box if the incident resulted in a law enforcement or School Resource Officer (SRO) referral, or if the student was arrested as a result of the incident.
- If the student was marked as special education, a primary disability needs to be selected.
- From the menu of “Action Codes”, select the most appropriate administrative action taken

To ensure data entry is saved, it is best to:

1. Add Incident
2. Save
3. Add Student
4. Save
5. Validate

Click “Return to Incident List” to enter another incident.

Repeat this process until all data is entered.

If you need to delete an incident, click the garbage can symbol found to the left of the student name and incident. Delete the student section first, then delete the incident.

1. Click under incident to get to student section
2. Click on the garbage can next to name
3. Click on ‘return to incident’
4. Click on garbage can next to incident

E. Validation errors

When you click Validate, if the data is not complete or has an error, the Validation Summary will identify the specific errors or warnings. The ‘Description’ will explain the error. The ‘Incident’ (click on the incident to be corrected) will return you to the screen where the error is located and corrections can be made. Save and Validate. This will return you to the Validation Summary. Repeat this process until all validations are addressed and cleared, at which time the screen message will read “**VALIDATION SUCCEEDED**”.

F. When all incidents have been entered and your report is complete, click “Submit” at top right corner.

The STARS system allows you to enter incidents the day they occur. Save and Validate after entries are made, but **only submit SET report once at the end of the school year.**

Once the data has been submitted the information will be locked; you must contact DPI Office of Educational Improvement & Support at (701) 328-2753 to have your building report un-submitted to make changes or additions.

Unsafe School Option

The Unsafe School Choice Option (USCO) provision (Title VIII, Part F, Subpart 2, SEC. 8532) under the federal Every Student Succeeds Act (ESSA) of 2015 sets forth the following:

"Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

Offenses Used to Identify Persistently Dangerous Schools (PDS)

The following violent offenses are used to determine if a school has met the definition of a Persistently Dangerous School. The identification of a persistently dangerous public elementary or secondary school in the context of ESSA includes any ND school building if the following conditions exist:

(1) in each of three (3) consecutive years, the school has a federal or State gun-free school violation or a violent criminal offense (murder, manslaughter, kidnapping, aggravated assault, robbery, gross sexual imposition, and rape) committed on school property; and,

(2) in any two years within the three-year period, the school has experienced expulsions for weapons or violence that exceed 1 % of the building's student population, or 5 students, whichever is greater.

Violent Criminal Offenses are identified as the following: *Murder, Manslaughter, Robbery, Kidnapping, Aggravated Assault, Gross Sexual Imposition, and Rape.*

The descriptions provided below are not intended to be a complete explanation of each offense or a substitute for the actual provisions of the authorizing statutes. Instead, the descriptions are provided as an aid in facilitating understanding of the general intent and practical applications of the violent criminal offenses that pertain to the USCO policy.

Murder: a person intentionally or knowingly causes the death of another human being. (ND Criminal Code Chapter 12.1-16-01)

Manslaughter: a person recklessly causes the death of another human being. (ND Criminal Code Chapter 12.1-16-02)

Robbery: in the course of committing a theft, a person inflicts or attempts to inflict bodily injury upon another or menaces with imminent bodily injury. (ND Criminal Code Chapter 12.1-22-01) **NOTE:** A **simple theft** incident must be coded under the Optional Reporting "Other" – see page 8.

Kidnapping: a person abducts another or abducts, then continues to restrain that individual for: ransom, as a shield, involuntary servitude, commit a felony, or terrorize. (ND Criminal Code Chapter 12.1-18-01)

Aggravated Assault: willfully causes serious bodily injury to another human being; or knowingly causes substantial bodily injury to another human being with a dangerous weapon or other weapon, the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury, or fires a firearm or hurls a destructive device at another human being. (ND Criminal Code Chapter 12.1-17-02)

Gross Sexual Imposition: a person compels the victim to engage in a sexual act by force, threat of imminent death, serious bodily injury, or kidnapping. (ND Criminal Code Chapter 12.1-20-03)

Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (FBI Uniform Crime Reporting System)

Gun-Free Schools Act (Every Student Succeeds Act (ESSA) ESEA, Title XIV, Part F)

In accordance with the GFSA, no ESEA funds may be made available to an LEA unless that LEA has the required referral policy. Under the provisions of the General Education Provisions Act, failure to comply with the requirements of the GFSA could result in the withholding of funds made available to the State under the ESEA (and under Title VII of the McKinney-Vento Homeless Assistance Act).

North Dakota law (NDCC 15.1-19-10) requires that school districts have a policy in place for the expulsion of a student who is determined to have brought a firearm to school, and that the expulsion must be for a period of not less than one calendar year unless the school board modifies the expulsion. If the incident includes a firearm (see Firearm Glossary for definitions) then a check must be entered in the appropriate field to signify if the expulsion was for a full calendar year or was shortened by school board decision.

The GFSA still must be construed in a manner consistent with the Individuals with Disabilities Education Act (IDEA). By using the case-by-case exception, LEAs will be able to discipline students with disabilities in accordance with the requirements of Part B of the IDEA and Section 504 of the Rehabilitation Act (Section 504) and maintain eligibility for Federal financial assistance. The Department has issued separate, more detailed guidance on discipline of students with disabilities, which includes clarification Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act November 2018 on the implementation of the GFSA consistent with IDEA and Section 504.

Note: *That the GFSA does not apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency (LEA), so long as the LEA adopts appropriate safeguards to ensure student safety.*

Firearm Glossary (ESEA, Title XIV, Part F – Gun-Free School Act (GFSA) **Persistently Dangerous*

Background: NDCC, Chapter 62 and Chapter 12 states a "firearm" or "weapon" means any device that expels or is readily capable of expelling a projectile by the action of an explosive and includes any such device, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon. A firearm is defined in Title 18 USC §921, as follows: A. 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; B. the frame or receiver of any such weapon; C. any firearm muffler or firearm silencer; or D. any destructive device. Such term does not include an antique firearm.

The term “destructive device” used in part (D) of the definition of “firearm” means: A. any explosive, incendiary, or poison gas—i. bomb, ii. grenade, iii. rocket having a propellant charge of more than four ounces, iv. missile having an explosive or incendiary charge of more than one-quarter ounce, v. mine, or vi. device similar to any of the devices described in the preceding clauses; B. any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and C. any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

NOTE: For Reporting purposes, handgun and shotgun/rifle are reported in their own separate categories. The remaining weapons listed in the above background information will be reported under Other Firearms.

Handgun: any firearm not designed to be fired from the shoulder, which has a barrel less than sixteen inches long, and which is capable of firing, by the energy of an explosive in a fixed metallic cartridge, an exposed projectile.

Shotgun: a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger. The term “short-barreled shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.

Rifle: a weapon designed or redesigned, made, or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger. The term “short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches. (NDCC 62.1-01-01)

Other Firearms: (captures firearms from NDCC Chapter 62 and Title 18 USC 921)
Includes firearms of any kind (operable or inoperable, loaded or unloaded) including but not limited to zip, starter gun, flare gun. Which will, 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; any destructive device; or any machine gun, bazooka, or cannon. Also include any destructive device; bomb, grenade, mine, rocket, missile, pipe bomb, or similar device continuing some type of explosive that is designed to explode and is capable of causing bodily harm or property damage.

Multiple Firearms: use of more than one of the firearms in this category.

Suspension and Expulsion Guidance

In-School Suspension: instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision. (EdFacts)

Out-of-School Suspension: instances in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less, as well as removals in which the child continues to receive services according to his/her IEP. (EdFacts)

Expulsion: an action taken by the LEA removing a child from his/her regular school for disciplinary purposes for the remainder of the school year or longer in accordance with local educational agency policy. Include removals resulting from violations of the Gun-Free Schools Act that are modified to less than 365 days. (EdFacts)

Other Offenses

Fighting – **Mutual Altercation**: mutual participation with intentional touching or striking involving physical violence, where there is no serious injury. When serious injury occurs, the incident may be coded as assault. (National Center for Education Statistics - NCES)

Simple Assault: willfully causes bodily injury to another human being; or negligently causes bodily injury to another human being by means of a firearm, destructive device or other weapon, the use of which against a human being is likely to cause death or serious bodily injury. (ND Criminal Code Chapter 12.1-17-01)

Assault: willfully causes substantial bodily injury to another human being; or negligently causes substantial bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury. (ND Criminal Code Chapter 12.1-17-01.1)

Negligent Homicide: a person negligently causes the death of another human being. (ND Criminal Code Chapter 12.1-16-03)

Felonious Restraint: a person knowingly abducts or restrains another under terrorizing circumstances or under circumstances exposing him to risk of serious bodily injury or with intent to hold him in a condition of involuntary servitude. (ND Criminal Code Chapter 12.1-18-02)

Inciting a Riot: a person incites or urges others to create or engage in a riot; a public disturbance involving at least three people, who by tumultuous and violent conduct creates grave danger of damage or injury to property or person. (18 USCS § 2102)

Serious Bodily Injury: 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 Section 1365(h)(3))

Sexual Imposition: a person who engages in a sexual act or sexual contact with another, or who causes another to engage in a sexual act or sexual contact; compels the other person to submit by any threat or coercion that would render a person reasonably incapable of resisting; or engages in a sexual act or sexual contact with another, whether consensual or not, as part of an induction, initiation, ceremony, pledge, hazing, or qualification to become a member or an associate of any criminal street gang. (ND Criminal Code Chapter 12.1-20-04)

Terrorizing: intentionally places another human being in fear for that human's life or another's safety. Threatens to commit any crime or violence or act dangerous to a human life. (ND Criminal Code Chapter 12.1-17-4)

Reckless Endangerment: a person creates a substantial risk of serious bodily injury or death to another. (ND Criminal Code Chapter 12.1-17-03)

Hazing: in the course of initiating a person into an affiliation with any organization, the person willfully engages in conduct that creates a substantial risk of physical injury to that person. (ND Criminal Code Chapter 12.1-17-10)

Harassment: repeatedly annoying or attacking a student or group of students or other personnel which creates an intimidating or hostile educational or work environment through verbal, physical, sexual, or electronic means threatening to inflict physical or mental injury on any person, to any person's reputation, or to any property. (NCES; NDCC 12.1-17-07)

Burglary: a person willfully enters or surreptitiously remains in a building or occupied structure, when at the time the premises are not open to the public and the individual is not licensed, invited, or otherwise privileged to enter or remain as the case may be, with intent to commit a crime therein. (ND Criminal Code Chapter 12.1-22-02)

***Dangerous Weapon:** any switchblade or gravity knife, machete, scimitar, stiletto, sword, or dagger; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slingshot; any bow and arrow, crossbow, or spear; any weapon which will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. (NDCC 12.1-01-04) Includes knife with a blade of 2.5 inches or greater. (18 USC Section 930(g)(2)

***Other incident related to drug or alcohol use, weapons possession, or violence:** other reasons resulting in suspension (in/out of school) or expulsion related to drug or alcohol use, weapons, or violence not covered in existing glossary.

** These areas are not considered firearms and are not reported in the GFSA EdFacts fs086.*

Drug and Alcohol Offenses

Tobacco: possession, use, distribution, or sale of tobacco products (any product that contains tobacco, is manufactured from tobacco, contains nicotine, e-cigarettes, and other electronic smoking devices). (NCES; National Association of State Boards of Education)

Alcohol: possession, use of/under the influence of, or distribution of alcohol (wine, beer, liquor).

Drugs: the use, possession, sale, or solicitation of drugs as identified in 21 U.S.C. Section 812(c). These offenses do not include the use, possession, sale, or solicitation of alcohol or tobacco.

Optional Reporting

Bullying: conduct that occurs or is received by a student in a public school, on school district premises, in a district owned or leased school bus /school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which: (1) is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities; (2) places the student in actual and reasonable fear of harm; (3) places the student in actual and reasonable fear of damage to property of the student; or (4) substantially disrupts the orderly operation of the public school. (ND Century Code 15.1-19)

Vandalism / Criminal Mischief: an individual who a) willfully tampers with tangible property of another so as to endanger person or property; or b) willfully damages tangible property of another. The offense is a class B felony if the intentional loss exceeds $10,000; a class C felony if the intentional loss exceeds $2,000 but not exceeding $10,000; and a class A misdemeanor if the intentional loss exceeds $100 but not exceeding $2,000. (ND Criminal Code Chapter 12.1-21-05)

Other: any incident for which a student receives in/out of school suspension or expulsion not elsewhere specified. This could include misbehavior not captured elsewhere including disobeying school policy, disorderly conduct, insubordination, obscene behavior, trespassing, or **theft.**

Special Education Related Definitions

Removal by a Hearing Officer: those instances in which an impartial hearing officer orders the removal of children with disabilities from their current educational placement to an appropriate alternative educational setting for not more than 45 days based on the hearing officer's determination that maintaining the child's current placement is substantially likely to result in injury to the child or others. The IEP team is responsible for determining the interim alternative educational setting. (EdFacts)

Unilateral Removal: instances in which school personnel (not the IEP team) order the removal of children with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than 45 days. **The IEP team is responsible for determining the interim alternative educational setting. Unilateral removals do NOT include decisions by the IEP team to change a student's placement.** (EdFacts)

Interim Alternative Educational Setting: an appropriate temporary setting determined by the child's IEP team in which the child is placed for no more than 45 days. This setting enables the child to continue to receive educational services and participate in the general education curriculum (although in another setting) and to progress toward meeting the goals set out in the IEP. As appropriate, the setting includes a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur. (EdFacts)

Action Code	Definition
In School Suspension/detention with services	Temporary removal from regular classroom(s) for disciplinary purposes but still under supervision of school personnel and received educational services
Expulsion-Interim alt ed setting unilaterally by school personnel	LEA removing a child from his/her regular school for disciplinary purposes for the remainder of the school year and school personnel (not IEP team) place in an interim alternative educational setting
Expulsion-Interim alt ed setting unilaterally by hearing officer	LEA removing a child from his/her regular school for disciplinary purposes for the remainder of the school year and placed in an interim alternative educational setting based on a hearing officer finding
Expulsion without services	LEA removing a child from his/her regular school for disciplinary purposes for the remainder of the school year and did not receive educational services
In School Suspension/detention without services	Temporary removal from regular classroom(s) for disciplinary purposes but still under supervision of school personnel and did not receive educational services
Out-of-School Suspension-Interim alt ed setting-unilaterally by school personnel	Temporary removal from regular school and school personnel (not IEP team) placed in an interim alternative educational setting
Out-of-School Suspension-Interim alt ed setting-unilaterally by hearing officer	Temporary removal from regular school and placed in an interim alternative setting based on hearing officer finding
Out-of-School-Suspension-without services	Temporary removal from regular school to another setting (e.g. home) and did not receive educational services
Expulsion with services	LEA removing a child from his/her regular school for disciplinary purposes for the remainder of the school year and did receive educational services
Out-of-School Suspension with services	Temporary removal from regular school to another setting (e.g. home) and did receive educational services