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3 **STUDENTS**

5
6 Suspension and Expulsion - Corrective Actions and Punishment

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8 The Board recognizes that every student is entitled to due process rights that are provided by law.

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10 Suspension

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- 12 • “Suspension” means the exclusion of a student from attending individual classes or school and
- 13 participating in school activities for an initial period not exceed ten (10) school days. An
- 14 administrator may order suspension of a student.
- 15

16 The procedure set forth below will be followed when a proposed punishment of a student is to include

17 denial of the right of school attendance from any single class or from a full schedule of classes for at least

18 one (1) day.

19
20 Before any suspension is ordered, a building administrator will meet with a student to explain charges of

21 misconduct, and the student will be given an opportunity to respond to the charges.

22
23 When a student’s presence poses a continuing danger to persons or property or poses an ongoing threat of

24 disruption to the educational process, a pre-suspension conference will not be required, and an

25 administrator may suspend a student immediately. In such cases, a building administrator will provide

26 notice of and schedule a conference as soon as practicable following the suspension.

27
28 A building administrator will report any suspension immediately to a student’s parent or legal guardian.

29 An administrator will provide a written report of suspension that states reasons for a suspension,

30 including any school rule that was violated, and a notice to a parent or guardian of the right to a review of

31 a suspension. An administrator will send a copy of the report and notice to the Superintendent.

32
33 The Superintendent will conduct a review of any suspension on request of a parent or legal guardian. A

34 student and parent or legal guardian may meet with the Superintendent to discuss suspension. After the

35 meeting and after concluding a review, the Superintendent will take such final action as appropriate.

36
37 Upon a finding by a school administrator that the immediate return to school by a student would be

38 detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a

39 student may be suspended for one (1) additional period not to exceed ten (10) school days, if the student

40 is granted an informal hearing with the school administrator prior to the additional suspension, and if the

41 decision to impose the additional suspension does not violate the Individuals with Disabilities Education

42 Act (IDEA) or Rehabilitation Act.

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44 Students who are suspended from any class or from school entirely have the right to make up any work

45 missed according to the student handbook.

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47 Expulsion

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- 49 • “Expulsion” is any removal of a student for more than twenty (20) school days without the
- 50 provision of educational services. Expulsion is a disciplinary action available only to the Board.

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4 The Board, and only the Board, may expel a student from school and may do so only after following due
5 process procedures set forth below.
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7 The Board will provide written notice to a student and parent or legal guardian of a hearing to consider a
8 recommendation for expulsion, which will be sent by registered or certified mail at least five (5) school
9 days before the date of the scheduled hearing. The notice will include time and place of hearing,
10 information describing the process to be used to conduct the hearing, and notice that the Board intends to
11 conduct the hearing in closed session unless a parent or legal guardian waives the student's right to
12 privacy.
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14 Within the limitation that a hearing must be conducted during a period of student suspension, a hearing to
15 consider expulsion may be rescheduled when a parent or legal guardian submits a request showing good
16 cause to the Superintendent at least two (2) school days before a hearing date as originally scheduled.
17 The Superintendent will determine if a request shows good cause to reschedule a hearing.
18

19 The student has the right to be present for the duration of the hearing. At hearing the student may be
20 represented by counsel and ask questions, present perspectives, and provide witnesses or documentation.
21 The Board is not bound by formal rules of evidence in conducting the hearing.
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23 Each school shall maintain a record of any disciplinary action that is educationally related, with
24 explanation, taken against the student. When the Board of Trustees takes disciplinary action against a
25 student, the Board must keep a written record of the action taken, with detailed explanation, even if the
26 disciplinary action is decided during a closed session. A disciplinary action that is educationally related is
27 an action that results in the expulsion or out-of-school suspension of the student. This record must be
28 maintained/destroyed consistent with Montana Local Government Records Schedule 7, and is subject to
29 transfer to a local educational agency, accredited school, or nonpublic school pursuant to 20-1-213, MCA.
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31 Possession, Use, and Being Under The Influence

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33 ➤ First Offense – Corrective Action

- 34 ● Out of School (OSS) Suspension of 3 to 10 days
- 35 ● In School Suspension (ISS) of 2 to 20 days
- 36 ● Chemical abuse evaluation and required participation in Student Assistance Program or
37 completion of a drug and alcohol awareness class
- 38 ● Participation or attendance at any school activity is prohibited during the period of the
39 suspension
- 40 ● Behavior and attendance contract for period of 90 school days
- 41 ● Montana High School Association and school district policies apply to participation in
42 extra-curricular activities
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Should the student refuse to accept any of the conditions imposed in First Offense – Alternative Corrective Action in lieu of suspension, the Board shall suspend the student for a term of 90 consecutive school days. Should the student fail to abide by any of the conditions imposed in First Offense –Alternative Corrective Action in lieu of suspension, the student shall be suspended by the administration for the balance of the 90 school days from the original date of suspension unless the term of the suspension is modified by the Board upon a request from the student for a hearing.

➤ Second Offense:

- Immediate suspension pending Board hearing
- Recommendation for expulsion for 90 school days

➤ Third Offense:

- Immediate suspension pending Board hearing
- Recommendation for expulsion

The Board is under no obligation to accept a petition for readmission or meet with the parties involved.

Criminal Distribution of Drugs

➤ First Offense:

- Permanent expulsion

Procedures for Suspension and Expulsion of Students With Disabilities

The District will comply with provisions of the Individuals with Disabilities Education Act (IDEA) and Rehabilitation Act when disciplining students. The Board will not expel any special education student when the student’s particular act of gross disobedience or misconduct is a manifestation of the student’s disability. The Board may expel pursuant to its expulsion procedures any special education student whose gross disobedience or misconduct is not a manifestation of the student’s disability. A disabled student will continue to receive education services as provided in the IDEA or Rehabilitation Act during a period of expulsion.

A building administrator may suspend a child with a disability from the child’s current placement for not more than ten (10) consecutive school days for any violation of school rules, and additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under 34 CFR 300.519(b), whether or not a student’s gross disobedience or misconduct is a manifestation of a student’s disabling condition. Any special education student who has exceeded or who will exceed ten (10) days of suspension may temporarily be excluded from school by court order or by order of a hearing officer, if the District demonstrates that maintaining the student in the student’s current placement is substantially likely to result in injury to the student or to others. After a child with a disability has been removed from his or her placement for more than ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 CFR 300.121(d).

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An administrator may remove from current placement any special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or inflicts serious bodily injury on another person while at school, on school premises, or at a school function under the jurisdiction. A serious bodily injury is one that involves 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 faculty. The District will place such student in an appropriate interim alternative educational setting for no more than forty-five (45) school days in accordance with the IDEA or Rehabilitation Act.

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| Legal Reference: | 20 U.S.C. 1400, et seq. | Individuals with Disabilities Education Act |
| | 34 CFR 300.519-521 | Procedural Safeguards |
| | § 20-1-213, MCA | Transfer of School Records |
| | § 20-4-302, MCA | Discipline and punishment of pupils –definition of corporal punishment – penalty – defense |
| | § 20-4-402, MCA | Duties of district superintendent or county high school principal |
| | § 20-5-105, MCA | Attendance officer – powers and duties |
| | § 20-5-106, MCA | Truancy |
| | § 20-5-201, MCA | Duties and sanctions |
| | § 20-5-202, MCA | Suspension and expulsion |
| | ARM 10.16.3346 | Aversive Treatment Procedures |
| | ARM 10.55.910 | Student Discipline Records |
| | <i>Goss v. Lopez</i> , 419 US 565 (1975) | |
| | Section 504 IDEA | |

Procedure History:

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