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Suspension and Expulsion – Corrective Actions and Punishment

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

Suspension

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

The procedure set forth below will be followed when a proposed punishment of a student is to include denial of the right of school attendance from any single class or from a full schedule of classes for at least one (1) day.

Before any suspension is ordered, a building administrator will meet with a student to explain charges of misconduct, and the student will be given an opportunity to respond to the charges.

When a student’s presence poses a continuing danger to persons or property or poses an ongoing threat of disruption to the educational process, a pre-suspension conference will not be required, and an administrator may suspend a student immediately. In such cases, a building administrator will schedule a conference as soon as practicable following the suspension and notify the student and parent or guardian of the conference.

A building administrator will report any suspension immediately to a student’s parent or legal guardian. An administrator will provide a written report of suspension that states reasons for a suspension, including any school rule that was violated, and a notice to a parent or guardian of the right to a review of a suspension. An administrator will send a copy of the report and notice to the Superintendent.

The Superintendent will conduct a review of any suspension on request of a parent or legal guardian. A student and parent or legal guardian may meet with the Superintendent to discuss suspension. After the meeting and after concluding a review, the Superintendent will take such final action as appropriate.

Upon a finding by a school administrator that the immediate return to school by a student would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a student may be suspended for one (1) additional period not to exceed ten (10) school days, if the student is granted an informal hearing with the school administrator prior to the additional suspension, and if the decision to impose the additional suspension does not violate the Individuals with Disabilities Education Act (IDEA) or Rehabilitation Act.

Students who are suspended from any class or from school entirely have the right to make up any work missed according to the student handbook.

- “Expulsion” is any removal of a student for more than twenty (20) school days without

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1 the provision of educational services. Expulsion is a disciplinary action available only
2 to the Board.

3
4 The Board, and only the Board, may expel a student from school and may do so only after
5 following due process procedures set forth below.

6
7 The Board will provide written notice to a student and parent or legal guardian of a hearing to
8 consider a recommendation for expulsion, which will be sent by registered or certified mail at
9 least five (5) school days before the date of the scheduled hearing. The notice will include time
10 and place of hearing, information describing the process to be used to conduct the hearing, and
11 notice that the Board intends to conduct the hearing in closed session unless a parent or legal
12 guardian waives the student’s right to privacy.

13
14 Within the limitation that a hearing must be conducted during a period of student suspension, a
15 hearing to consider expulsion may be rescheduled when a parent or legal guardian submits a
16 request showing good cause to the Superintendent at least two (2) school days before a hearing
17 date as originally scheduled. The Superintendent will determine if a request shows good cause
18 to reschedule a hearing.

19
20 At hearing the student may be represented by counsel, present witnesses and other evidence,
21 and cross-examine witnesses. The Board is not bound by formal rules of evidence in
22 conducting the hearing.

23
24 Each school shall maintain a record of any disciplinary action that is educationally related, with
25 explanation, taken against the student. When the Board of Trustees takes disciplinary action
26 against a student, the Board must keep a written record of the action taken, with detailed
27 explanation, even if the disciplinary action is decided during a closed session. A disciplinary
28 action that is educationally related is an action that results in the expulsion or out-of-school
29 suspension of the student. This record must be maintained/destroyed consistent with Montana
30 Local Government Records Schedule 7, and is subject to transfer to a local education agency,
31 accredited school, or nonpublic school pursuant to 20-1-213, MCA.

32
33 Procedures for Suspension and Expulsion of Students with Disabilities

34
35 The District will comply with provisions of the Individuals with Disabilities Education Act
36 (IDEA) and Rehabilitation Act when disciplining students. The Board will not expel any
37 special education student when the student’s particular act of gross disobedience or misconduct
38 is a manifestation of the student’s disability. The Board may expel pursuant to its expulsion
39 procedures any special education student whose gross disobedience or misconduct is not a
40 manifestation of the student’s disability. A disabled student will continue to receive education
41 services as provided in the IDEA or Rehabilitation Act during a period of expulsion.

42
43 A building administrator may suspend a child with a disability from the child’s current
44 placement for not more than ten (10) consecutive school days for any violations of school rules,
45 and additional removals of not more than ten (10) consecutive school days in that same school
46 year for separate incidents of misconduct, as long as those removals do not constitute a change

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1 of placement under 34 CFR 300.519(b), whether or not a student’s gross disobedience or
 2 misconduct is a manifestation of a student’s disabling condition. Any special education student
 3 who has exceeded or who will exceed the (10) days of suspension may temporarily be excluded
 4 from school by court order or by order of a hearing officer, if the District demonstrates that
 5 maintaining the student in the student’s current placement is substantially likely to result in
 6 injury to the student or to others. After a child with a disability has been removed from his or
 7 her placement for more than ten (10) school days in the same school year, during any
 8 subsequent days of removal the public agency must provide services to the extent required
 9 under 34 CFR300.121(d).

10
 11 An administrator may remove from current placement any special education student who has
 12 carried a weapon to school or to a school function or who knowingly possesses or uses illegal
 13 drugs or sells or solicits the sale of a controlled substance while at school or a school function.
 14 The District will place such student in an appropriate interim alternative education setting for no
 15 more than forty-five (45) school days in accordance with the IDEA or Rehabilitation Act.

16
 17 The trustees shall annually, at the regularly scheduled June meeting, review this policy and
 18 update this policy as determined necessary by the trustees based on changing circumstances
 19 pertaining to school safety

20
21 Legal Reference:

- 22 20 U.S.C. 1400, et seq. Individuals with Disabilities Education Act
- 23 34 CFR 300.519-521 Procedural Safeguards
- 24 § 20-1-213, MCA Transfer of School Records
- 25 § 20-4-302, MCA Discipline and punishment of pupils –
- 26 definition of corporal punishment – penalty –
- 27 defense
- 28 § 20-4-402, MCA Duties of district superintendent or county
- 29 high school principal
- 30 § 20-5-105, MCA Attendance officer – powers and duties
- 31 § 20-5-106, MCA Truancy
- 32 § 20-5-201, MCA Duties and sanctions
- 33 § 20-5-202, MCA Suspension and expulsion
- 34 ARM 10.16.3346 Aversive Treatment Procedures
- 35 ARM 10.55.910 Student Discipline Records
- 36 *Goss v. Lopez*, 419 US 565 (1975)
- 37 *Section 504 IDEA*

38
39 Policy History:

40 Adoption on: February 2007
 41 Revised on: July 2013, January 2016

42
 43 *Note: Revisions included lines 9-14, 19-24 and 29-31.*
 44 *January 2016 revisions were a substantial rewrite of this policy in conformance with language*
 45 *from statute. Of particular note is the insertion of a paragraph regarding maintenance of*
 46 *records even if done in closed session.*