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3 **STUDENTS**

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5 Suspension and Expulsion - Corrective Actions and Punishment

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

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9 Suspension

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

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

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

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

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

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

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

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

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3 Expulsion  
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5 “Expulsion” is any removal of a student for more than twenty (20) school days without the  
6 provision of educational services. Expulsion is a disciplinary action available only to the Board.  
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8 The Board, and only the Board, may expel a student from school and may do so only after  
9 following due process procedures set forth below.  
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11 The Board will provide written notice to a student and parent or legal guardian of a hearing to  
12 consider a recommendation for expulsion, which will be sent by registered or certified mail at  
13 least five (5) school days before the date of the scheduled hearing. The notice will include time  
14 and place of hearing, information describing the process to be used to conduct the hearing, and  
15 notice that the Board intends to conduct the hearing in closed session unless a parent or legal  
16 guardian waives the student’s right to privacy.  
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18 Within the limitation that a hearing must be conducted during a period of student suspension, a  
19 hearing to consider expulsion may be rescheduled when a parent or legal guardian submits a  
20 request showing good cause to the Superintendent at least two (2) school days before a hearing  
21 date as originally scheduled. The Superintendent will determine if a request shows good cause to  
22 reschedule a hearing.  
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24 The student has the right to be present for the duration of the hearing. At hearing the student may  
25 be represented by counsel and ask questions, present perspectives, and provide witnesses or  
26 documentation. The Board is not bound by formal rules of evidence in conducting the hearing.  
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28 Each school shall maintain a record of any disciplinary action that is educationally related, with  
29 explanation, taken against the student. When the Board of Trustees takes disciplinary action  
30 against a student, the Board must keep a written record of the action taken, with detailed  
31 explanation, even if the disciplinary action is decided during a closed session. A disciplinary  
32 action that is educationally related is an action that results in the expulsion or out-of-school  
33 suspension of the student. This record must be maintained /destroyed consistent with Montana  
34 Local Government Records Schedule 7, and is subject to transfer to a local educational agency,  
35 accredited school, or nonpublic school pursuant to 20-1-213, MCA  
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37 Procedures for Suspension and Expulsion of Students with Disabilities  
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39 The District will comply with provisions of the Individuals with Disabilities Education Act  
40 (IDEA) and Rehabilitation Act when disciplining students. The Board will not expel any special  
41 education student when the student’s particular act of gross disobedience or misconduct is a  
42 manifestation of the student’s disability. The Board may expel pursuant to its expulsion  
43 procedures any special education student whose gross disobedience or misconduct is not a  
44 manifestation of the student’s disability. A disabled student will continue to receive education  
45 services as provided in the IDEA or Rehabilitation Act during a period of expulsion.  
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47 As a building administrator may suspend a child with a disability from the child’s current  
48 placement for not more than ten (10) consecutive school days for any violation of school rules,  
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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).

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.

The trustees shall annually review this policy and update the policy as determined necessary by the trustees based on changing circumstances pertaining to school safety.

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

Adopted on: Nov. 10, 2015  
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