

1 **Browning Public Schools**

2
3 **Policy #3200**

4 Policy Name: *Student Conduct and Discipline*

5 Regulation: -----

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7 Each student is expected to contribute to creating and maintaining a sound learning environment.
8 Students shall behave in a safe and orderly manner. Student behavior will be respectful toward adults
9 and other students. Students will engage in instructional task focus while in the school setting.
10 Students have an obligation to avoid engaging in behavior that detracts from the learning
11 environment of others. **The school setting includes, school buildings, school vehicles, and traveling**
12 **to and from school**

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14 **Behavioral expectations include, but are not limited to:**

- 15 1. engaging in cooperative work with school staff and fellow students;
- 16 2. displaying punctuality and regular attendance at school;
- 17 3. demonstrating positive and prompt responses to adult requests;
- 18 4. refraining from the use of profanity or vulgar expressions;
- 19 5. displaying strong conflict management and verbal negotiation skills in order to avoid physical
- 20 abuse or verbally assaultive acts;
- 21 6. avoiding dangerous behavior, which endangers self and/or others;
- 22 7. demonstrating strong judgment in avoiding bringing dangerous and/or illegal items to school;
- 23 8. encouraging appropriate behavior among peers;
- 24 9. treating the property of others and the school with respect and care;
- 25 10. accepting personal and/or financial responsibility for mistakes or poor judgment when
- 26 appropriate;
- 27 11. refraining from the use, possession and/or distribution of illegal substances: tobacco, tobacco
- 28 products, electronic cigarettes, unapproved prescription drugs or any illegal substances.

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30 **Discipline**

31 The Superintendent is directed to ensure that each building administrator develops a discipline
32 handbook consistent with Board policy. Each building administrator is responsible for developing
33 discipline procedures that are consistent, appropriate for the developmental level of the students in
34 the site, and to the extent possible, logically related to the inappropriate behavior of the child.

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36 Discipline shall be consistent with state and federal regulations. Corporal punishment will not be
37 used under any circumstances with students. Documentation will be kept in each building site
38 regarding out-of-school suspension and expulsion on appropriate forms. This data will be submitted
39 to the Superintendent or his or her designee by the building principal for reporting purposes to the
40 Office of Public Instruction following the instructional year.

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42 **Suspension**

43 The authority to suspend students for a short duration (10 or fewer days) lies with the building
44 principal. Students may be suspended from school due to behavioral incorrigibility as demonstrated
45 by failure to comply with District Policies or school rules, failure to submit to the authority of any
46 adults employed by the school district while in the school and on school premises, or attending
47 school sponsored functions. Continual and willful disobedience of school or classroom rules may
48 also constitute suspension offences. Suspension may be of short duration or for the remainder of the
49 current school year and include providing homework. Upon a finding by a school administrator that
50 the immediate return to school by a student would be detrimental to the health, welfare, or safety of

1 others or would be disruptive of the educational process, a student may be suspended for one (1)
2 additional period not to exceed ten (10) school days, if the student is granted an informal hearing
3 with the school administrator prior to the additional suspension, and if the decision to impose the
4 additional suspension does not violate the Individuals with Disabilities Education Act (IDEA), 20
5 U.S.C. 1400, et seq.
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7 Each school shall maintain a record of any disciplinary action that is educationally related, with
8 explanation, taken against the student. When the board of trustees takes disciplinary action against a
9 student, the Board must keep a written record of the action taken with detailed explanation, even if
10 the disciplinary action is decided during a closed session. A disciplinary action that is educationally
11 related is an action that results in the expulsion or out-of-school suspension of the student.
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13 **Procedure**

- 14 1. Principal or designee confers with the student to discuss and investigate the alleged the
15 infractions.
- 16 2. The parent/guardian is called or notified regarding the decision to suspend and allowed to pick
17 the student up if the parent/guardian can immediately arrange for transportation.
- 18 3. A written referral identifies the rule or policy violation and identifies the amount of time the
19 student will be suspended for and conditions for re-entry. This written referral is provided to
20 the parent/guardian when the child is escorted home or picked up following suspension.
- 21 4. Formal written summary of the investigation is to be provided to the parent/guardian and
22 included in the discipline records.
- 23 5. Suspensions are logged on appropriate forms and patterns of suspension are considered for
24 each child.
- 25 6. A re-entry meeting is held with the child, parent/guardian and school administration prior to
26 school re-entry.
- 27 7. The student will re-enter the school site with a behavioral contract.
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29 **Discipline for Students with Disabilities**

30 In the event a child has or suspected to have an educational disability, procedures 1-4 will occur as
31 noted above and procedures 5-7 will be modified in the following manner:

- 32 1. If a pattern of suspensions becomes evident (at least 3 incidents) and a disability is suspected,
33 an expedited evaluation to determine the existence of an educational disability will occur. For
34 all students identified as having a disability and students suspected as having a disability, a
35 functional behavior analysis and a manifestation determination will occur.
- 36 2. A Child Study Team/Individual Education Plan Team will convene a re-entry meeting and
37 determine the following:
 - 38 a. Is there evidence to support identification of an educational disability in the case of a
39 student who is suspected as having a disability?
 - 40 b. If not, is Section 504 of the Rehabilitation Act applicable? If no major life function is
41 inhibited by the student's condition, then engage in re-entry meeting.
 - 42 c. If a 504 applies include 504 considerations of reasonable accommodations in the
43 behavior/re-entry plan.
 - 44 d. If an education disability exists, identify the disability, analyze the behavior demonstrated
45 by the student and determine whether the behavior is caused or is a manifestation of the
46 disability.
- 47 3. Develop an Individual Education Plan that includes behavioral objective and a behavior
48 intervention plan that will function to teach appropriate behavior and result in a decrease in the
49 incidence of behavior resulting in suspension.
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Appeal Procedure

Discipline resulting in suspension from school for less than 10 days may be appealed by notifying the Superintendent in writing within 10 days of the administrative decision to suspend. Notice of the appeal will be delivered by hand or by mail with return receipt requested. The Superintendent’s review of the issue is limited to a determination of whether the administrative team followed applicable Board policies, Montana State, and Federal law. All decisions by the Superintendent described herein are final.

Suspensions of 10 days or more may be appealed to the Board of Trustees. The Board of Trustees is to be notified in writing within 10 days of the Superintendent’s decision. The notice shall be hand delivered or delivered by certified, return receipt mail to the Superintendent’s office. The Board of Trustee’s review of the issue shall be limited to whether the Superintendent’s decision was consistent with policy and Montana State and Federal Law. The decisions by Board of Trustees described herein are final.

Expulsion

The Superintendent shall make recommendation for expulsion to the Board of Trustees. Expulsion recommendations occur for serious, repeated infractions of student conduct or an individual, serious episode, which severely disrupts the school environment, causes injury or places students at risk of injury, or an infraction identified in the student handbook. Consideration of expulsion shall take place in hearing.

Procedure

A preliminary written recommendation is made to the Superintendent for expulsion and a copy forwarded to the Board Chair. The recommendation shall include:

- a. The specific charges and facts on which the recommendation is based.
- b. The recommended length of expulsion.
- c. Recommendation whether the student will receive credit or not for the current grading period.
- d. The names of persons who may be called as witnesses.

After receipt of the recommendation, the Chairperson shall promptly send copies of the recommendation to the student and student’s parent or guardian. These copies shall be sent registered mail (return receipt requested). Copies sent to the student and the parent shall include:

- a. A specific date, time and location of the hearing.
- b. The student’s right to present a defense.
- c. The student’s right to be represented by another person.

At any time a student or his/her parents or guardian fails to appear at the scheduled hearing, it will be assumed that the disciplinary action is accepted by all parties.

Expulsion Hearing

The Chairperson of the Board of Trustees shall determine whether the demands of the individual privacy of the student clearly exceed the merits of a public hearing. In his/her decision, the Chairperson shall consider the nature of the charges against the student, the testimony expected to be given, and the wishes of the student and his or her parents/guardians.

1 If the hearing is closed, all persons shall be excluded except the student, his/her parents/guardians,
2 and his/her representative, the members of the Board, the person or persons presenting the
3 recommendation and their representative, the Superintendent or his/her designee, and if a transcript
4 is made, the secretary.

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6 Whether the hearing is open or closed, persons who will give evidence shall be excluded from the
7 hearing until they are called to testify. Evidence and testimony shall be given in the following order:

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- 9 1. support of the expulsion.
- 10 2. against the expulsion.
- 11 3. rebuttal.
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13 After a full hearing of all relevant matters, the Board shall decide whether to accept, reject or modify
14 and accept the recommendation. Such decision shall be based on the evidence and testimony
15 produced at the hearing.

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17 If the hearing on the matter was closed, the approved draft (Findings of Fact) shall be adopted or
18 rejected in open session. The board action will be noted in the minutes, the draft will not be
19 available to the public. If the hearing on the matter was open, the draft shall be adopted or rejected
20 in an open session.

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22 Copies of the decision shall be sent to the parties of the proceeding after adoption.

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25 **Cross Reference:** #3000 Equal Education and Nondiscrimination
26 #3002 Handbook Policy
27 #3900 Student Appeal Process
28 #3205 Sexual Harassment/Harassment/Intimidation/Bullying/Menacing/Hazing
29 #5015 Bullying/Harassment/Intimidation

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31 **Legal Reference:** 20 USC 1400, et seq. Individuals with Disabilities Education Act
32 29 USC 701 Rehabilitation Act of 1973
33 MCA 20-4-302 Discipline/Punishment of Pupils
34 MCA 20-4-402 Duties of District Superintendent
35 MCA 20-5-201 Duties and Sanctions
36 MCA 20-5-202 Suspension and Expulsion
37 ARM 10.16.1105 Aversive Treatment Procedures
38 Initiative 190 – “Montana Marijuana Regulation and Taxation Act.”
39 January 1, 2021
40 § 45-8-361, MCA Possession or allowing possession of weapon in school
41 building – exceptions – penalties – seizure and forfeiture or return
42 authorized – definitions
43 § 45-5-637, MCA Possession or consumption of tobacco products,
44 alternative nicotine products, or vapor products by persons under 18 years
45 of age is prohibited – unlawful attempt to purchase - penalties
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48 **Policy History:**

49 Adopted on: 8/8/95, 2/9/21

1 Amended on: 4/13/00, 3/28/07, 3/11/14, 6/24/15, 1/27/16, 2/12/19
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