

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.  
13

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.~~

29  
30 • **Using, possessing, distributing, purchasing, or selling tobacco products, and**

31 **alternative nicotine and vapor products as defined in 16-11-302, MCA.**

32 • **Using, possessing, distributing, purchasing, or selling alcoholic beverages,**

33 **including powdered alcohol. Students who may be under the influence of**

34 **alcohol will not be permitted to attend school functions and will be treated as**

35 **though they had alcohol in their possession.**

36 • **Using, possessing, distributing, purchasing, or selling drug paraphernalia,**

37 **illegal drugs, marijuana, controlled substances, or any substance which is**

38 **represented to be or looks like a narcotic drug, hallucinogenic drug,**

39 **amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant,**

40 **depressant, or intoxicant of any kind, including such substances that contain**

41 **chemicals which produce the same effect of illegal substances including but not**

42 **limited to Spice and K2. Students who may be under the influence of such**

43 **substances will not be permitted to attend school functions and will be treated**

44 **as though they had drugs in their possession.**

45 • **Using, possessing, controlling, or transferring a firearm or other weapon in**

46 **violation of Policy 3211.**

47 • **Using, possessing, controlling, or transferring any object that reasonably could**

- 1 be considered or used as a weapon as referred to in Policy 3211.
- 2 • Disobeying directives from staff members or school officials or disobeying rules
  - 3 and regulations governing student conduct.
  - 4 • Using violence, force, noise, coercion, threats, intimidation, fear, or other
  - 5 comparable conduct toward anyone or urging other students to engage in such
  - 6 conduct.
  - 7 • Causing or attempting to cause damage to, or stealing or attempting to steal,
  - 8 school property or another person's property.
  - 9 • Engaging in any activity that constitutes an interference with school purposes or
  - 10 an educational function or any other disruptive activity.
  - 11 • Unexcused absenteeism. Truancy statutes and Board policy will be utilized for
  - 12 chronic and habitual truants.
  - 13 • Intimidation, harassment, sexual harassment, sexual misconduct, hazing or
  - 14 bullying; or retaliation against any person who alleged misconduct under Policy
  - 15 3205 or participated in an investigation into alleged misconduct under Policy
  - 16 3205.
  - 17 • Defaces or damages any school building, school grounds, furniture, equipment,
  - 18 or book belonging to the district.
  - 19 • Forging any signature or making any false entry or attempting to authorize any
  - 20 document
  - 21 used or intended to be used in connection with the operation of a school.
  - 22 • Engaging in academic misconduct which may include but is not limited to:
  - 23 cheating, unauthorized sharing of exam responses or graded assignment work;
  - 24 plagiarism, accessing websites or electronic resources without authorization to
  - 25 complete assigned coursework, and any other act designed to give unfair
  - 26 academic advantage to the student.

27  
28 **These grounds stated above for disciplinary action apply whenever a student's conduct**

29 **is reasonably related to school or school activities, including but not limited to the**

30 **circumstances**

31 **set forth below:**

- 32
- 33 • On school grounds before, during, or after school hours or at any other time
- 34 when school is being used by a school group.
- 35 • Off school grounds at a school-sponsored activity or event or any activity or
- 36 event that bears a reasonable relationship to school.
- 37 • Travel to and from school or a school activity, function, or event.
- 38 • Anywhere conduct may reasonably be considered to be a threat or an attempted
- 39 intimidation of bullying of a staff member or student, or an interference with
- 40 school purposes or an educational function.

#### 41 **Non-Disciplinary Measures**

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44 **The Superintendent or designee is authorized to assign a student to non-disciplinary**

45 **offsite instruction pending the results of an investigation or for reasons related to the**

1 safety or well-being of students and staff. During the period of non-disciplinary offsite  
2 instruction, the student will be permitted to complete all assigned schoolwork for full  
3 credit. The assignment of non-disciplinary offsite instruction does not preclude the  
4 Superintendent or designee from disciplining a student who has, after investigation,  
5 been found to have violated a School District policy, rule, or handbook provision.

### 6 7 **Delegation of Authority**

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9 **The Board grants authority to any teacher and to any other school personnel to impose**  
10 **on students under their charge any disciplinary measure, other than suspension or**  
11 **expulsion, corporal punishment, or in-school suspension, that is appropriate and in**  
12 **accordance with policies and rules on student discipline. The Board authorizes**  
13 **teachers to remove students from classrooms for disruptive behavior.**

### 14 15 **Discipline**

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

20  
21 Discipline shall be consistent with state and federal regulations. Corporal punishment will not be  
22 used under any circumstances with students. Documentation will be kept in each building site  
23 regarding out-of-school suspension and expulsion on appropriate forms. This data will be submitted  
24 to the Superintendent or his or her designee by the building principal for reporting purposes to the  
25 Office of Public Instruction following the instructional year.

### 26 27 **Suspension**

28 The authority to suspend students for a short duration (10 or fewer days) lies with the building  
29 principal. Students may be suspended from school due to behavioral incorrigibility as demonstrated  
30 by failure to comply with District Policies or school rules, failure to submit to the authority of any  
31 adults employed by the school district while in the school and on school premises, or attending  
32 school sponsored functions. Continual and willful disobedience of school or classroom rules may  
33 also constitute suspension offences. Suspension may be of short duration or for the remainder of the  
34 current school year and include providing homework. Upon a finding by a school administrator that  
35 the immediate return to school by a student would be detrimental to the health, welfare, or safety of  
36 others or would be disruptive of the educational process, a student may be suspended for one (1)  
37 additional period not to exceed ten (10) school days, if the student is granted an informal hearing  
38 with the school administrator prior to the additional suspension, and if the decision to impose the  
39 additional suspension does not violate the Individuals with Disabilities Education Act (IDEA), 20  
40 U.S.C. 1400, et seq.

41  
42 Each school shall maintain a record of any disciplinary action that is educationally related, with  
43 explanation, taken against the student. When the board of trustees takes disciplinary action against a  
44 student, the Board must keep a written record of the action taken with detailed explanation, even if  
45 the disciplinary action is decided during a closed session. A disciplinary action that is educationally  
46 related is an action that results in the expulsion or out-of-school suspension of the student.

### 47 48 **Procedure**

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

### **Discipline for Students with Disabilities**

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

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

### **Appeal Procedure**

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

45  
46 Suspensions of 10 days or more may be appealed to the Board of Trustees. The Board of Trustees is  
47 to be notified in writing within 10 days of the Superintendent's decision. The notice shall be hand  
48 delivered or delivered by certified, return receipt mail to the Superintendent's office. The Board of  
49 Trustee's review of the issue shall be limited to whether the Superintendent's decision was consistent

1 with policy and Montana State and Federal Law. The decisions by Board of Trustees described  
2 herein are final.

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4 **Expulsion**

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

10  
11 **Procedure**

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

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

19  
20 After receipt of the recommendation, the Chairperson shall promptly send copies of the  
21 recommendation to the student and student's parent or guardian. These copies shall be sent  
22 registered mail (return receipt requested). Copies sent to the student and the parent shall include:

- 23  
24 a. A specific date, time and location of the hearing.  
25 b. The student's right to present a defense.  
26 c. The student's right to be represented by another person.

27  
28 At any time, a student or his/her parents or guardian fails to appear at the scheduled hearing, it will  
29 be assumed that the disciplinary action is accepted by all parties.

30  
31 **Expulsion Hearing**

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

36  
37 If the hearing is closed, all persons shall be excluded except the student, his/her parents/guardians,  
38 and his/her representative, the members of the Board, the person or persons presenting the  
39 recommendation and their representative, the Superintendent or his/her designee, and if a transcript  
40 is made, the secretary.

41  
42 Whether the hearing is open or closed, persons who will give evidence shall be excluded from the  
43 hearing until they are called to testify. Evidence and testimony shall be given in the following order:

- 44  
45 1. support of the expulsion.  
46 2. against the expulsion.  
47 3. rebuttal.

1 After a full hearing of all relevant matters, the Board shall decide whether to accept, reject or modify  
2 and accept the recommendation. Such decision shall be based on the evidence and testimony  
3 produced at the hearing.  
4

5 If the hearing on the matter was closed, the approved draft (Findings of Fact) shall be adopted or  
6 rejected in open session. The board action will be noted in the minutes, the draft will not be  
7 available to the public. If the hearing on the matter was open, the draft shall be adopted or rejected  
8 in an open session.  
9

10 Copies of the decision shall be sent to the parties of the proceeding after adoption.  
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12

13 **Cross Reference:** #3000 Equal Education and Nondiscrimination  
14 #3002 Handbook Policy  
15 #3900 Student Appeal Process  
16 #3205 Sexual Harassment/Harassment/Intimidation/Bullying/Menacing/Hazing  
17 #5015 Bullying/Harassment/Intimidation  
18

19 **Legal Reference:** 20 USC 1400, et seq. Individuals with Disabilities Education Act  
20 29 USC 701 Rehabilitation Act of 1973  
21 MCA 20-4-302 Discipline/Punishment of Pupils  
22 MCA 20-4-402 Duties of District Superintendent  
23 MCA 20-5-201 Duties and Sanctions  
24 MCA 20-5-202 Suspension and Expulsion  
25 ARM 10.16.1105 Aversive Treatment Procedures  
26 Initiative 190 – “Montana Marijuana Regulation and Taxation Act.”  
27 January 1, 2021  
28 § 45-8-361, MCA Possession or allowing possession of weapon in school  
29 building – exceptions – penalties – seizure and forfeiture or return  
30 authorized – definitions  
31 § 45-5-637, MCA Possession or consumption of tobacco products,  
32 alternative nicotine products, or vapor products by persons under 18 years  
33 of age is prohibited – unlawful attempt to purchase - penalties  
34  
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36 **Policy History:**

37 Adopted on: 8/8/95

38 Amended on: 4/13/00, 3/28/07, 3/11/14, 6/24/15, 1/27/16, 2/12/19, 2/24/21

39 Reviewed: 2/9/21  
40  
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