

**Policy 3300: Suspension and Expulsion**

**Status:** ADOPTED

**Original Adopted Date:** 08/08/1995 | **Last Reviewed Date:** 08/08/1995

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

Behavioral expectations include, but are not limited to:

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages, including powdered alcohol. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, marijuana, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a firearm or other weapon in violation of Policy 3211.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in Policy 3211.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or retaliation against any person who alleged misconduct under Policy 3205 or participated in an investigation into alleged misconduct under Policy 3205.
- Defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district.
- Forging any signature or making any false entry or attempting to authorize any document

used or intended to be used in connection with the operation of a school.

- Engaging in academic misconduct which may include but is not limited to: cheating, unauthorized sharing of exam responses or graded assignment work; plagiarism, accessing websites or electronic resources without authorization to complete assigned coursework, and any other act designed to give unfair academic advantage to the student.

These grounds stated above for disciplinary action apply whenever a student's conduct is reasonably related to school or school activities, including but not limited to the circumstances

set forth below:

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

### **Non-Disciplinary Measures**

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

### **Delegation of Authority**

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

### **Discipline**

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

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

### **Suspension**

The authority to suspend students for a short duration (10 or fewer days) lies with the building principal. Students may be suspended from school due to behavioral incorrigibility as demonstrated by failure to comply with District Policies or school rules, failure to submit to the authority of any adults employed by the school district while in the school and on school premises, or attending school sponsored functions. Continual and willful disobedience of school or classroom rules may also constitute suspension offences. Suspension may be of short duration or for the remainder of the current school year and include providing homework. 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), 20 U.S.C. 1400, et seq.

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

### **Procedure**

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

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

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

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

### **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.

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

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

1. support of the expulsion.
2. against the expulsion.
3. rebuttal.

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

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

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

---