

Lewistown School District

STUDENTS

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Corrective Actions and Punishment

It is the intent of the Board to provide each student with those due process rights which are provided by law.

Suspension

In the event the proposed punishment of a student is to include denial of the right of school attendance from any single class or full schedule of classes for at least one (1) day, the following procedure shall be used:

1. Before suspension, the student shall be provided a conference during which the charges will be explained and the student will be given the opportunity to respond to the charges.
2. A pre-suspension conference is not required and the student can be immediately suspended when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the notice and conference shall follow as soon as practicable.
3. Any suspension shall be reported immediately to the student's parent or legal guardian. A written notice of suspension shall state the reasons for the suspension, including any school rule which was violated, and a notice to the parent or guardian of the right to a review of the suspension. A copy of the notice shall be sent to the Superintendent.
4. Upon request of the parent or legal guardian, a review of the suspension shall be conducted by the Superintendent. At the review, the student and parent or legal guardian may appear and discuss the suspension with the Superintendent. After the meeting, the Superintendent shall take such action as appropriate. That action is final.

Students who are absent as a result of an out-of-school suspension do not have the right to make up the work missed.

Student Expulsion

Expulsion is defined as the exclusion of a student from school by action of the Board of Trustees for not less than the rest of the semester for which the student is presently enrolled and for not more than one complete academic year after that semester. If a student is expelled during a semester, the student may or may not receive credit for that semester.

Only the Board of Trustees, upon the Superintendent's recommendation, may impose an expulsion. A principal may only recommend an expulsion to the Superintendent. However, if a student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process the student may be immediately removed from school.

1. A written recommendation shall be given to the Superintendent by the building principal. Such recommendation shall be reviewed by the Superintendent and approved before forwarding to the Board of Trustees.
 - Set forth in detail the charges and the facts and circumstances of the misconduct or course of misconduct upon which the recommendation is based.
 - State when the expulsion shall begin.
 - State whether or not the student should be granted credit for work completed in the present semester.
 - State the names of the persons who may be called as witnesses.
2. Upon receipt of the recommendation, the Board of Trustees shall promptly send copies of the recommendation to the student and the student's parent or guardian. Attached to the copy of the recommendation shall be a printed statement which informs the student of:
 - Expulsion has been recommended.
 - The student's right to request a hearing of the charges.
 - The right to present a defense.
 - The right to be represented by another person.
 - The right to confront and cross-examine witnesses.
 - The right to present information against the punishment recommended.

This statement shall also state the maximum length of time for which the student may be expelled and the possibility of loss of credit for the present semester. It shall also inform the student that he/she must request, in writing, a hearing within ten (10) calendar days or he/she shall be held to have admitted the truth of the recommendation.

3. In the event a hearing is requested by the student, the following shall take place:
 - Prior to the beginning of the hearing, the Board Chair shall determine whether the demands of the individual privacy of the student clearly exceed the merits of a public hearing. In the decision, the Board Chair shall consider the nature of the charges against the student, the testimony expected to be given and the wishes of the student.
 - If the hearing is closed, all persons shall be excluded except the student, his/her parents and his/her representative, the members of the Board, the person or persons presenting the recommendation and their representative 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:
 - a. in support of the expulsion;
 - b. against the expulsion;
 - c. in rebuttal.
4. 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.
 5. Deliberation on the decision shall take place in an EXECUTIVE SESSION of the Board. After a majority of the Board has reached a consensus, they shall draft a statement of their findings and decision.
 6. If a hearing on the matter was closed, the statement shall be adopted or rejected in an executive session, the action noted in the minutes, but the statement will not be available to the public.
 7. If a hearing on the matter was open, the statement shall be adopted or rejected in an open meeting.
 8. Written copies of the decision shall be sent to the parties involved in the proceedings.

Procedures for Suspension and Expulsion of Students with Disabilities

The District shall comply with the provisions of the IDEA when disciplining students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. Any special education student whose gross disobedience or misconduct is not a manifestation of the student's disability may be expelled pursuant to expulsion procedures, except that the disabled student shall continue to receive education services as provided in the IDEA during such period of expulsion.

A special education student may be suspended for ten (10) days of school per incident, regardless of whether the student's gross disobedience or misconduct is a manifestation of the student's disabling condition. Any special education student who has or will exceed ten (10) days of suspension may be temporarily 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 others. The student shall continue to receive educational services in accordance with the IDEA during such period of suspension.

A 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 may be removed from the student's current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days in accordance with the IDEA.

Policy History:

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Revised on: