

Great Falls School District**STUDENTS**

3300

Suspension and Expulsion – Corrective Actions and DisciplineSuspension

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

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

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

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

A building administrator will report any suspension immediately to a student’s parent or legal guardian. An administrator will provide a written report of suspension that states reasons for a suspension, including any school rule that was violated, and a notice to a parent or guardian of the right to a review of the suspension. The parent or legal guardian may use the Uniform Complaint Procedure if they disagree with the suspension.

Upon a finding by a school administrator that the immediate return to a 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 an additional period of time 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) or Rehabilitation Act.

Make-up Work

1. K-12 students who are absent, as a result of an out-of-school suspension, have the right to make up the work missed. They will work with the school to determine a timeline to complete the work.
2. Paris Gibson Education Center students who are absent, as a result of an out-of-school suspension, may continue their work upon reinstatement.
3. Teachers are not expected to reconstruct lessons taught while students are on suspension.

Expulsion

- “Expulsion” is any removal of a student for more than twenty (20) school days without the provision of educational services. Expulsion is a disciplinary action available only to the Board.

The Board, and only the Board, may expel a student from school and may do so only after following due process procedures set forth below.

Upon recommendation from the Superintendent, the Board will provide written notice to a student and parent or legal guardian of a hearing to consider a recommendation for expulsion, which will be sent by registered or certified mail, or hand delivered, at least five (5) school days before the date of the scheduled hearing. The notice will include time and place of hearing, information describing the process to be used to conduct the hearing, and notice that the Board intends to conduct the hearing in closed session unless a parent or legal guardian waives the student’s right to privacy.

Within the limitation that a hearing must be conducted during a period of student suspension, a hearing to consider expulsion may be rescheduled when a parent or legal guardian submits a request showing good cause to the Superintendent at least two (2) school days before a hearing date as originally scheduled. The Superintendent will determine if a request shows good cause to reschedule a hearing.

The student has the right to be present for the duration of the hearing. At the hearing the student may be represented by counsel and ask questions, present perspectives, and provide witnesses or documentation. The Board is not bound by formal rules of evidence in conducting the hearing.

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. This record must be maintained/destroyed consistent with Montana Local Government Records Schedule 7 and is subject to transfer to a local educational agency, accredited school, or nonpublic school pursuant to 20-1-213, MCA.

Procedures for Suspension and Expulsion of Students with Disabilities

The District will comply with provisions of the Individuals with Disabilities Education Act (IDEA) and Rehabilitation Act when disciplining students. The Board will not expel any special education student when the student’s particular act of gross disobedience or misconduct is a manifestation of the student’s disability. The Board may expel pursuant to its expulsion procedures any special education student whose gross disobedience or misconduct is not a manifestation of the student’s disability. A disabled student will continue to receive education services as provided in the IDEA or Rehabilitation Act during a period of expulsion.

The Building administrator may suspend a child with a disability from the child's current placement for not more than ten (10) consecutive school days for any violation of school rules, 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 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.

Cross Reference:

Policy 1770	Uniform Complaint Procedure
Policy 3310	Student Discipline

Legal Reference:

20 U.S.C. 1400, et seq.	Individuals with Disabilities Education Act
24 CFR 300.519-521	Procedural Safeguards
§20-1-213, MCA	Transfer of School Records
§20-4-302, MCA	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
§20-4-402, MCA	Duties of district superintendent or county high school principal
§20-5-105, MCA	Attendance officer – powers and duties
§20-5-106, MCA	Truancy
§20-5-201, MCA	Duties and sanctions
§20-5-202, MCA	Suspension and expulsion
ARM 10.16.3346	Aversive Treatment Procedures
ARM 10.5.910	Student Discipline Records
Gross v. Lopez, 419 US 565 (1975)	
Section 504 IDEA	

1	<u>Policy History:</u>	
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