

Discipline and Appeals

A teacher or Principal has the authority to hold a pupil to strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.

No person who is employed or engaged by the School District may inflict or cause to be inflicted corporal punishment on a pupil.

The methods employed in enforcing the rules of the school involve professional judgment. Such judgment should be:

1. Consistent from day to day and student to student.
2. Balanced against the severity of the misconduct.
3. Appropriate to the student's nature and prior behavior.
4. Fair to the student, parent, other students and others, and
5. Effective.

Since these criteria may be in conflict, established procedures must be followed in correcting misbehavior. Appeal procedures have been established in order to provide for an opportunity for every corrective action or punishment to be reviewed by someone in authority and to instill confidence among students and parents as to the essential fairness of staff.

In order to develop an environment conducive to learning, the Principal shall confer with certificated staff at least once per year to develop and/or review rules of conduct to be employed in the school and corrective actions and punishment that may be employed in the event of rule infractions.

A teacher shall have the authority to exclude a student from his/her classroom for all or any part of the period or until the teacher has conferred with the Principal, whichever occurs first. Prior to excluding a student, except in emergency circumstances, the teacher shall have attempted one or more corrective actions.

Corrective Actions and Punishment

All students shall submit to the reasonable rules of the District. Refusal to comply with written rules and regulations established for the governing of the school shall constitute sufficient cause for discipline, suspension, or expulsion. Corrective action and/or punishment for misconduct must reflect good faith effort on the part of the staff.

For the purposes of the District's policies relating to corrective action or punishment:

1. Discipline constitutes corrective action or punishment, including brief exclusions from a class for not more than the remainder of the class period, including exclusion from any other type of activity conducted by or for the District. Discipline shall not adversely affect academic grades as long as all required work is performed.
2. 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. The Principal has the right to suspend.
3. 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.
4. 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).
Except in extreme cases, students will not be expelled unless other forms of corrective action or punishment have failed, or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed. Suspensions or expulsions shall be used only for instances of serious student misconduct.

Students with disabilities may also be suspended under these same rules if the suspension will not constitute a change of placement. On or before a student with a disabling condition accrues ten (10) days of suspension, the Child Study Team who has knowledge of the student's disabling condition will determine if there is casual relationship between the disabling condition and the student's misconduct. If such a relationship exists, the student's educational placement may not be changed without parental approval or a court order, pending a due process hearing under IDEA.

Before a recommendation on the expulsion of a disabled student is submitted to the Board, the Child Study Team must meet to determine if there is a causal relationship between the disabling condition and the student's misconduct. The Board shall consult legal counsel before expelling any disabled student.

When a disabled student is acting in such a way that s/he poses a danger to himself/herself or to another student or property, or substantially disrupts his/her educational program or that of other students, an emergency suspension may take place. Emergency suspensions may not last longer than ten (10) school days. The Special Educational Staff or Special Education Cooperative to which the District belongs shall convene the Child Study Team for reviewing the student's record before the student is readmitted to school and no later than the tenth (10) day of suspension.

No student shall be disciplined, suspended, or expelled in any manner for any act not related to the orderly operation of the school or school-sponsored activities or any other aspect of the educational process.

Reason for Disciplinary Action

Disciplinary action may be taken against any student guilty of gross disobedience or misconduct, including but not limited to:

- Using, possessing, distributing, purchasing, or selling tobacco products;
- Using, possessing, distributing, purchasing, or selling alcoholic beverages; Students who are under the influence are not permitted to attend school and are treated as though they had alcohol in their possession;
- Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs and drug paraphernalia, **including students possessing a "medical marijuana" card.** Students who are under the influence are not permitted to attend school and are treated as though they had drugs in their possession;
- Using, possessing, controlling, or transferring a weapon are in violation of the "Possession of Weapons in a School Building" section of this policy;
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon;
- Disobeying directives from staff members or school officials and/or 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 disruptive activity;
- The forging of any signature, or the making of any false entry, or the authorization of any document used or intended to be used in connection with the operation of the school.

These grounds for disciplinary action apply whenever the student's conduct is reasonably related to school or school activities, but not limited to:

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

Disciplinary Measures

Disciplinary measures include, but are not limited to: loss of privileges, loss of bus privileges, restitution for damages to school property, detention, suspension, expulsion, and notification to juvenile authorities and/or police.

Weapon-Free Schools

Any person who possesses, controls, carries or stores a weapon in a school building, except as provided below, shall be referred to law enforcement for immediate prosecution. In addition, a parent or guardian of any minor violating this policy shall also be referred for possible prosecution on the grounds of allowing the minor to possess, carry or store a weapon in a school building.

For the purposes of this policy only, the following terms are defined: "School building" shall be defined as all buildings owned or leased by a local school district that are used for instruction or for student activities. "Weapon" shall be defined as any type of firearm, defined as provided in 18 USC 921, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks or brass or other metal knuckles.

The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry or store a weapon in a school building shall present this request to the Board in a regular meeting. It is solely within the Board's discretion whether to allow a person to possess, carry or store a weapon in a school building.

This policy does not apply to law enforcement personnel.

Gun-Free Schools

A student who uses, possesses, controls, or transfers a firearm, or any object that can reasonably be considered, or looks like, a firearm, onto school property, except as provided below, shall be expelled for a period of not less than one calendar year unless modified by the Board of Trustees. The Board, however, may modify the expulsion period on a case-by-case basis. The Principal shall notify the criminal justice or juvenile delinquency system of any student who brings a firearm to school.

If a student violating this policy is identified as disabled either under the IDEA or Section 504, a determination must be made whether the student's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed.

Any student subject to expulsion shall be entitled to a hearing before the Board in accordance with 20-5-202, MCA. Nothing in this policy shall prevent the Board from making an alternative placement for a student in lieu of expulsion provided that such placement removes the student from the regular school program.

The District shall keep a record of all students disciplined under this policy and the circumstances surrounding their discipline, including the number of students expelled and the types of weapons involved. This information shall be provided to local law enforcement authorities and other governmental agencies as required by law.

Appeal Process for Disciplinary Action

Any parent or student who is aggrieved by the imposition of discipline shall have the right to an informal conference with the Principal for the purpose of resolving the grievance. At such conferences, the student and parent shall be subject to questioning by the Principal and shall be entitled to question staff involved in the matter being grieved.

Legal Reference:	§ U.S.C 1400, et seq.,	Individuals with Disabilities Education Act
	§ U.S.C. 3351 et seq.,	Gun-Free Schools Act
	§ 29 USC 701	Rehabilitation Act of 1973
	§ 20-4-302, MCA	Power of teacher or principal over pupils
	§ 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
	§ 45-8-361, MCA	Possession or allowing possession of weapons in school
	10.16.1105, ARM	Aversive treatment procedures

Policy History:

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