

STUDENTS

Student Discipline

The Board grants authority to a teacher or principal to hold a student to strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.

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

- Using, possessing, distributing, purchasing, or selling tobacco product, vapor product or alternative nicotine products, or marijuana products (tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco or any other tobacco or nicotine innovation) (marijuana products include but are not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping);
- Using, possessing, distributing, purchasing, or selling alcoholic beverages. 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 illegal drugs or controlled substances, including medical marijuana, look-alike drugs, and drug paraphernalia. 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 weapon or firearm in violation of MCA § 45-8-361 or the Gun Free Schools Act.
- Using, possessing, controlling, or transferring any other object that reasonably could be considered or used as a weapon, including look-alike weapons or any object, device or instrument possessed with the purpose to commit a criminal offense or inflict injury.
- 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, including gang or gang activity, except when physical force is determined to be reasonable and necessary and used as self-defense or the defense of another person after an investigation into 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.
- Hazing or bullying.
- 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.
- Gambling for money.

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, or within sight of 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 a staff member or an interference with school purposes or an educational function.

Disciplinary Measures

Disciplinary measures include, but are not limited to:

- Expulsion
- Suspension
- Detention, including Saturdays
- Clean-up duty
- Loss of student privileges
- Loss of bus privileges
- Notification to juvenile authorities and/or police
- Restitution for damages to school property

No District employee or person engaged by the District may inflict or cause to be inflicted corporal punishment on a student. Corporal punishment does not include reasonable force District personnel are permitted to use as needed to maintain safety for other students, school personnel, or other persons or for the purpose of self-defense.

Possession of a Weapon on School Grounds

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon on school grounds, except as provided below, and the District may take disciplinary action as well in the case of a student. In addition, the District will refer for possible prosecution a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon on school grounds.

“School building” means all buildings owned or leased by Missoula County Public Schools (MCPS) that are used for instruction or for student activities; “weapon” as used in this section means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, brass or other metal knuckles, or any other article or instrument possessed with the purpose to commit a criminal offense.

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 must request permission of the Board at a regular meeting. The Board has sole discretion in deciding 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

The Board shall expel any student who uses, possesses, controls, or transfers a firearm for a definite period of time of one (1) calendar year. The Board authorizes the Superintendent, upon written notification to the

Board Chair, to modify the discipline. The administrator may immediately suspend a student if, prior to a hearing, there is cause to believe the student brought a firearm to school or possessed a firearm at school. The student may not be expelled unless the trustees find that the student knowingly brought a firearm to school or possessed a firearm at school. A building administrator will notify the criminal justice or juvenile delinquency system of any student who brings a firearm to school.

The Board will grant a hearing for any student subject to an expulsion in accordance with § 20-5-202, MCA, and Policy 3300.

Cross Reference:

3300 Suspension/Expulsion
4332 Conduct on School Property
5224 Personal Conduct

Legal Reference:

- § 16-11-302, MCA Definitions
- § 20-1-220, MCA Use of tobacco products in public school building or on public school property prohibited (revised by House Bill 128)
- § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
- § 20-5-201, MCA Duties and sanctions (*revised by House Bill 450*)
- § 20-5-202, MCA Suspension and expulsion
- § 20-5-209, MCA Bullying of student prohibited-self-defense authorized (*revised by House Bill 450*)
- § 45-8-361, MCA Possession or allowing possession of weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions
- § 45-8-317, MCA Exceptions
- §§ 50-46-301 *et seq.*, MCA Montana Marijuana Act
- 20 USC §§ 7101 *et seq.* Safe and Drug-Free Schools & Communities Act
- § 50-46-320, MCA Montana Medical Marijuana Act
- 20 U.S.C. § 7961 Gun-Free Schools Act
- 29 U.S.C. § 701 Rehabilitation Act of 1973
- § 1-1-204, MCA Terms denoting state of mind
- House Bill 361 Certain District Policies Prohibited

Policy History:

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