

Missoula County Public Schools

STUDENTS

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Student Due Process Rights

Suspension

Before suspension, the student shall be provided oral or written notice of the charges. If the student denies the charges, the student shall be given an explanation of the evidence and an opportunity to present his or her version. Prior notice and hearing as stated above 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 necessary notice and hearing shall follow as soon as practicable.

Any suspension shall be reported as soon as possible to the student's parents. A written notice of the suspension shall contain a statement of the reasons for the suspension and a notice to the parents of their right to review the suspension. Upon request of the parents, the Superintendent shall convene a meeting to review the suspension. At the meeting, the student's parents may appear and discuss the suspension with the Superintendent. The Superintendent shall decide whether the suspension is appropriate. The decision of the Superintendent is final and may not be appealed to the Board.

The term of a suspension may vary depending upon the circumstances. A student may be suspended for an initial term not to exceed ten (10) school days. Upon a finding by an administrator, after an informal hearing with the student, that the immediate return to school 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 term not to exceed ten (10) school days.

A student in grade K-8, who is suspended from school, is eligible to make up the school work that he/she has missed. The K-8 student is responsible, in cooperation with parent/guardian for making arrangements with his/her teachers to turn in completed work and to receive credit in accordance with standards and time limits established by the teachers. A student in grade 9-12 who is suspended from school, is not eligible to make up the school work that he/she has missed.

Students with rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act may be suspended in the same manner as students without those rights, although the District must follow all procedural requirements of those Acts when suspending students with disabilities.

Expulsion

Expulsion is any removal of a student for more than twenty (20) school days without the provision of educational services. Only the Board may expel a student from school. After the administration has investigated the alleged misconduct, and made the decision to recommend an

expulsion of the student to the Board, the administration shall send notice to the student and the parent(s) of the following:

- the intent to recommend an expulsion;
- the specific charges against the student;
- what rule or regulation was broken;
- the nature of the evidence supporting the charges;
- the date, time and place where the hearing will be held;
- a copy of the procedure that will be followed by the Board;
- a reminder of the rights the student and parents have, including the right to counsel, the right to cross examine witnesses, and the right to present witnesses.

The hearing may be rescheduled by the parent by submitting a request showing good cause to the Superintendent at least 3 school days prior to the scheduled date of the hearing. The Superintendent shall determine if the request shows good cause.

Students with rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act may be expelled under certain circumstances, and the District must follow all procedural requirements of those Acts, including holding a manifestation determination meeting, prior to moving forward with an expulsion.

Legal References:	§ 20-4-302, MCA	Discipline and punishment of pupils
	§ 20-4-402, MCA	Duties of district superintendent
	§ 20-5-201, MCA	Duties of pupils – sanctions
	§ 20-5-202, MCA	Suspension and expulsion
	20 USC 1415(k)	IDEA
	10.55.701, ARM	Board of Trustees

Cross References:

Policy History:

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