

DISCIPLINE

Protocols & Procedures

Date: August 2022



Colstrip Public School District #19
2022-2023

APPENDIX A

DISCIPLINE

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DUE PROCESS

This handbook applies whenever the student's conduct is reasonably related to school or school activities, including, but not limited to:

1. On school grounds at any time;
2. Off school grounds at a school-sponsored activity or event;
3. Traveling to or from school or a school activity;
4. Anywhere, if the behavior may reasonably be considered a threat or intimidation of school staff, or interference with school purposes.

The courts have determined that school Discipline Handbooks may apply to student activities on the Internet, whether accessed at school or elsewhere, with cell phones (texting, pictures or calls) or if the misbehavior interferes with the rights of others or causes a substantial disruption of school activities.

STUDENT RIGHTS AND RESPONSIBILITIES

The District recognizes fully that all students are entitled to enjoy the rights protected under federal and state constitutions and law for persons of their age and maturity in a school setting. The District expects students to exercise these rights reasonably and to avoid violating the rights of others. The District may impose disciplinary measures whenever students violate the rights of others or violate District policies or rules.

SEARCHES AND SEIZURE

The following rules shall apply to any searches and the seizure of any property by school personnel:

1. The Superintendent, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure
2. If the authorized administrator has reasonable suspicion to believe that any locker, car, or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance. The authorized administrator may perform random searches of any locker or container of any kind on school premises without notice or consent.
3. If the authorized administrator has any reasonable suspicion to believe that any student has any item or substance in his/her possession, which constitutes an imminent danger to the property of any person or the District, the administrator is authorized to conduct a search of any car or container and to seize any such item or substance.

4. No student shall hinder, obstruct, or prevent any search authorized by this procedure.
5. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date, and results shall be made by the administrator. A copy shall be forwarded to the Superintendent as soon as possible.
6. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.
7. In any situation where the administrator is in doubt as to the propriety of proceeding with any search or seizure, the administrator is authorized to report to and comply with the directions of any public law enforcement agency.

Policy 3231 Search and Seizure

The goal of search and seizure with respect to students is meeting the educational needs of children and ensuring their security. The objective of any search and/or seizure is not the eradication of crime in the community. Searches may be carried out to recover stolen property, to detect illegal substances or weapons, or to uncover any matter reasonably believed to be a threat to the maintenance of an orderly educational environment. The Board authorizes school authorities to conduct reasonable searches of school property and equipment, as well as of students and their personal effects, to maintain order and security in the schools.

The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified at its inception, and (2) reasonably related in scope to the circumstances which justified the interference in the first place.

School authorities are authorized to utilize any reasonable means of conducting searches, including but not limited to the following:

1. A “pat down” of the exterior of the student’s clothing;
2. A search of the student’s clothing, including pockets;
3. A search of any container or object used by, belonging to, or otherwise in the possession or control of a student; and/or
4. Devices or tools such as breath-test instruments, saliva test strips, etc.

School Property and Equipment and Personal Effects of Students

School authorities may inspect and search school property and equipment owned or controlled by the District (such as lockers, desks, and parking lots).

The Superintendent may request the assistance of law enforcement officials, including their use of specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or material.

Students

School officials may search any individual student, his/her property, or District property under his/her control, when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the District or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include but are not limited to lockers, desks, purses, backpacks, student vehicles parked on District property, cellular phones, or other electronic communication 3231 devices.

Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles on school property. While on school property, vehicles may be inspected at any time by staff, or by contractors employed by the District utilizing trained dogs, for the presence of illegal drugs, drug paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug paraphernalia, or weapons are present, including by alert-trained dogs, the student's vehicle will be searched, and the student expressly consents to such a search.

Also, by parking in the school parking lots, the student consents to having his/her vehicle searched if the school authorities have any other reasonable suspicion to believe that a violation of school rules or policy has occurred.

Seizure of Property

When a search produces evidence that a student has violated or is violating either a law or District policies or rules, such evidence may be seized and impounded by school authorities and disciplinary action may be taken. As appropriate, such evidence may be transferred to law enforcement authorities.

INTERROGATIONS AND INVESTIGATIONS

Policy 4411 Interrogations and Investigations Conducted by School Officials

The administration has the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. The administration shall determine when the necessity exists that law enforcement officers be asked to conduct an investigation of alleged criminal behavior which jeopardizes the safety of other people or school property or which interferes with the operation of the schools.

In instances when the administration has reasonable suspicion that a violation of district policy or the student code of conduct has been violated, the administrator will investigate. The administrator will notify the suspected rule violator(s) or potential witness(es) to the infraction. The suspected student shall be advised orally or in writing of the nature of the alleged offense and of the evidence against the student. Circumstances may arise where it would be advisable to have another adult present during questioning of students. Parent(s)/Guardian(s) of the violator(s) will be contacted by the administration.

Investigations by Law Enforcement

When a student becomes involved with law enforcement officers due to events outside of the school environment and officers must interact with a student, the officer(s) must request to confer with the student when he/she is being investigated for conduct not under the jurisdiction of the school. The following steps shall be taken to cooperate with the authorities.

- a. The officer shall contact the school principal (principal or authorized designee) and present proper identification in all occasions upon his/her arrival on school premises.
- b. Parents or guardians shall be notified by the law enforcement officer, school principal or assistant principal as soon as possible. The law enforcement officer, principal or assistant principal shall make every effort to inform parents or guardians of the intent of the law enforcement officers except when that notification may compromise the student's safety.

The student's parent or guardian should be present, if practicable, during any interrogation on school premises.

Cooperation with Law Enforcement

Although cooperation with law enforcement officers will be maintained, it is the preference of the District that it will not normally be necessary for law enforcement officers to initiate, and conduct any investigation and interrogation on the school premises, during school hours, pertaining to criminal activities unrelated to the operation of the school. It is preferred that only in demonstrated emergencies, when law enforcement officers find it necessary, will they conduct such an investigation during school hours. These circumstances might be limited to those in

which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction or local authorities, destruction of evidence, or continued criminal behavior.

No school official, however, should ever place him/herself in the position of interfering with a law enforcement official in the performance of his or her duties as an officer of the law. If the law enforcement officials are not recognized and/or are lacking a warrant or court order, the building principal shall require proper identification of such officials and the reason(s) for the visit to the school. If the principal is not satisfied, he/she shall attempt to notify the Superintendent and the officer's superior, documenting such action.

In all cases, the officers shall be requested to obtain prior approval of the principal or other designated person before beginning such an investigation on school premises. The administrator shall document the circumstances of such investigations as soon as practical. Alleged behavior related to the school environment brought to the principal's attention by law enforcement officers shall be dealt with under the provisions of the two previous sections.

Taking a Student into Custody

School officials shall not release students to law enforcement authorities voluntarily unless the student has been placed under arrest or unless the parent or guardians and the student agree to the release. When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to notify the student's parents or guardians immediately. Such effort shall be documented. Whenever an attempt to remove a student from school occurs without an arrest warrant, court order, or without acquiescence of the parent or guardian, the administrator shall immediately notify a superior of the law enforcement officers involved to make objection to the removal of the student and shall attempt to notify the parent or guardian of the student. The Superintendent's office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

When it is necessary to take a student into custody on school premises and time permits, the law enforcement officer shall be requested to notify the principal and relate the circumstances necessitating such action. When possible, the principal shall have the student summoned to the principal's office where the student may be taken into custody. In all situations of interrogations, arrest or service of subpoenas of a student by law enforcement officers on school premises, all practicable steps shall be taken to ensure a minimum of embarrassment or invasion of privacy of the student and disruption to the school environment.

Disturbance of School Environment

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the Principal or other school administrator has found to be unmanageable by school personnel and which disturbances have the potential of causing harm to students, other persons, or school property. Staff members may also notify law enforcement officials.

Such potential of possible disturbance includes members of the public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property, and who have been requested to leave by an administrator or staff member, but have failed or refused to do so.

VIDEO SURVEILLANCE

The Board authorizes the use of video cameras on District property to ensure the health, welfare, and safety of all staff, students, and visitors to District property and to safeguard District buildings, grounds, and equipment. The Superintendent will approve appropriate locations for video cameras.

The Superintendent will notify staff and students, through staff and student handbooks or by other means, that video surveillance may occur on District property. A notice will also be posted at the main entrance of all District buildings, and on all buses, indicating the use of video surveillance.

The District may choose to make video recordings a part of a student's educational record or of a staff member's personnel record. The District will comply with all applicable state and federal laws related to record maintenance and retention.

It is the decision of the District that video recordings will include audio. The Superintendent will notify staff and students through staff and student handbooks or by other means that video surveillance, with audio, may occur on District property. A notice will also be posted at the main entrance of all District buildings, and on all buses, in which video/audio surveillance may occur.

USE OF ALCOHOL SENSOR DEVICE

Students are prohibited by Montana law and District policy from using or possessing alcoholic beverages. It is District policy to deter use or possession of alcoholic beverages by students on District property or at school-sponsored or related activities or events, through use of an alcohol-sensor device.

Anytime the Superintendent, another administrator, or a teacher has reasonable suspicion that a student has consumed an alcoholic beverage, the student will be given an opportunity to admit or deny consumption of alcohol. If the student admits consumption of alcohol, appropriate disciplinary action will be taken under applicable District policies and student handbook provisions, including potential restriction of or exclusion from participation in extra- and co-curricular activities.

If the student denies consumption of alcohol, the Superintendent or another District employee designated by the Superintendent may utilize an alcohol-sensor device to either confirm alcohol consumption or eliminate the suspicion. Confirmation of alcohol consumption will result in appropriate disciplinary action under applicable District policies and student handbook

provisions, including potential restriction of participation in or exclusion from extra- and co-curricular activities.

If the student refuses to submit to testing for the presence of alcohol, the District may rely upon other evidence of alcohol consumption in determining whether District policy has been violated.

THE TEACHER'S ROLE IN DISCIPLINE

Delegation of Authority

The Board grants authority to any teacher and to any other school personnel to impose on students under their charge any disciplinary measure, other than suspension or expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with policies and rules on student discipline. The Board authorizes teachers to remove students from classrooms for disruptive behavior.

The teacher has the primary responsibility and authority for the consistent maintenance of discipline in the classroom, in the school building and on the grounds.

Teachers have the authority to:

- A. Remove a student temporarily from the classroom by sending the student to the principal or assistant principal because of behavior.
- B. Deny certain classroom privileges.
- C. Use such reasonable measures as may be necessary to maintain control in the classroom, in the school building, on the school grounds at any time and on the way to and from school.
- D. Keep a student after school after giving the student a one-day advance notice unless prior approval of the parent/guardian has been obtained. It will be the teacher's job to supervise these students.

Each teacher shall have a classroom management plan submitted to and approved by the principal or assistant principal by the end of the second week of school.

All teachers, administrators, supervisory personnel, and board members will be held responsible for enforcement of the disciplinary policy. Enforcement shall be monitored through this chain of accountability to ensure consistent and constant implementation in a fair and impartial manner.

THE PRINCIPAL'S ROLE IN DISCIPLINE

If the teacher's efforts to solve the problems are unsuccessful, the student may be referred to the principal or assistant principal who have the responsibility and authority to use such reasonable measures as may be necessary to maintain control within the classroom, the school

building and on the school property. The principal or designee will establish and implement the rules and regulations for the school governing the conduct of the students.

The principal, assistant principal, and/or designee have the authority to impose suspension on students for failure to comply with school regulations and if it should be necessary, to recommend to the Superintendent and the Board of Trustees expulsion of students.

In the event a conduct violation is not specifically listed in this policy, discipline may be administered based on the judgment of building administration.

The school administrator or the board of trustees has the discretionary authority to move to any level of discipline based on the seriousness of the case. Law enforcement may be contacted for violations of the law.

ROLE OF LAW ENFORCEMENT

Law enforcement will assist school administration when civil and criminal laws are violated within the school setting. Students under 16 will have parents or a representative present during any questioning. Students 16 and older will have parents contacted and present if requested by the parent or student before any questioning.

School administrators will cooperate fully with law enforcement agencies when investigations and searches are related to drug offenses, or violations of criminal law.

DISCIPLINARY INFRACTIONS

ARSON

Maliciously, voluntarily, and willfully setting fire to the building(s), or other property of another.

CHEATING

Copying another's work, using notes or having someone do your work so that you can pass or get better grade on an assignment, test or paper. Plagiarism is also determined to be cheating.

CRIMINAL MISCHIEF

A person commits the offense of criminal mischief if he/she knowingly or purposely:

- A. Injures, damages, or destroys the property of another or school property at any time during the school year. During summer vacation, law authorities will be notified to take appropriate action.
- B. Without consent, tampers with property of another in or on school property so as to interfere with persons or property or its use.

- C. Criminal Mischief will also be in effect for any case of interference with computer information (passwords, operating systems, settings, e-mail, applications of files) and/or the introduction of computer viruses.

EXTORTION

Obtaining money or some other thing of value by the abuse of one's office or authority.

FALSE FIRE ALARM

Intentionally pulling or reporting a fire with the intent to get out of or delay school. False fire alarms will be reported to the authorities to be dealt with under State Law 45-8-1 0 1.

FIGHTING

A physical confrontation between two or more students which may result in injury (hitting, kicking, biting, etc).

HAMPERING EFFORTS/PRESENCE AT A FIGHT

Students encouraging a fight are hampering efforts to stop the incident and will be considered an accessory to the incident.

PLAGIARISM

The unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one's own original work.

INAPPROPRIATE OR PUBLIC DISPLAY OF AFFECTION

The expression of feelings of affection toward others is a personal concern between two individuals and not of others surrounding them. Being overly affectionate in school is not in good taste.

INSUBORDINATION

Not submitting to authority; disobedient, verbal abuse of school personnel; flagrant defiance of school personnel, school rules or any part of this disciplinary policy; and/or failure to properly identify one's self to school personnel.

PROFANITY

Vocabulary presently or within past generations considered to be obscene or suggestive is not allowed during school or school activities.

THEFT/STEALING

Knowingly or purposely obtains or exerts unauthorized control over property of another (taking of someone's property without the permission of the owner).

VANDALISM

Deliberate, mischievous, or malicious destruction of property.

TRESPASS

Being in any unauthorized area, property or vehicle.

INAPPROPRIATE OR PUBLIC DISPLAY OF AFFECTION

Students are reminded that the school is a formal setting, much like a place of business. Public displays of affection, actions with sexual innuendo and/or any activity that would be considered misconduct of a sexual nature does not have a place in school or as a part of any school related activity and will not be tolerated.

PORNOGRAPHIC/SEXUALLY EXPLICIT MATERIALS

Possession, production, downloading electronically and/or viewing materials (videos, publications, computer screens, etc.) considered to be pornographic/ sexually explicit while at school, on school owned equipment or on a school-sponsored activity is prohibited.

PARKING LOT REGULATIONS

The student parking lot is for your convenience.

1. Students are reminded that the maximum driving speed on school property is 10 mph.
2. Students and staff will obtain parking permits through the office secretary.
3. Students are not to be in their automobiles or in the parking lot during the school day without permission from the office.

Failure to obey parking and traffic regulations may result in referral to law enforcement agencies, loss of parking privileges, and/or towing of the vehicle at the owner's expense.

GANGS AND GANG ACTIVITY

The Board is committed to ensuring a safe and orderly environment, where learning and teaching may occur void of physical or psychological disruptions, unlawful acts, or violations of school regulations. Gang activities create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive to the process of education and school activities. Groups of

individuals which meet the definition of gangs, defined below, shall be restricted from school grounds or school activities.

A gang is defined as any group of two (2) or more persons, whether formal or informal, who associate together to advocate, conspire, or commit:

- A. One or more criminal acts; or
- B. Acts which threaten the safety or well-being of property or persons, including but not limited to harassment and intimidation.

Students on school property or at any school-sponsored activity shall not:

1. Wear, possess, use, distribute, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items which are evidence of membership in or affiliation with any gang and/or representative of any gang;
2. Engage in any act, whether verbal or non-verbal, including gestures or handshakes, showing membership in or affiliation with any gang and/or that is representative of any gang; or
3. Engage in any act furthering the interest of any gang or gang activity, including but not limited to:
 - a. Soliciting membership in or affiliation with any gang;
 - b. Soliciting any person to pay for protection or threatening another person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
 - c. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property;
 - d. Engaging in violence, extortion, or any other illegal act or other violation of school property.

Violations of this policy shall result in disciplinary action, up to and including suspension, expulsion, and/or notification of police.

SEXUAL HARASSMENT - INTIMIDATION OF STUDENTS

Sexual harassment is a form of sex discrimination and is prohibited. An employee, District agent, or student engages in sexual harassment whenever that individual makes unwelcome advances, requests sexual favors, or engages in other verbal, nonverbal, or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
 - a. Substantially interfering with a student's educational environment;

- b. Creating an intimidating, hostile, or offensive educational environment;
- c. Depriving a student of educational aid, benefits, services, opportunities, or treatment; or
- d. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

The terms “intimidating,” “hostile,” and “offensive” include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include but are not limited to unwelcome touching, crude jokes or pictures, discussions of sexual experiences, pressure for sexual activity, intimidation by words, actions, insults, or name calling, teasing related to sexual characteristics, and spreading rumors related to a person’s alleged sexual activities.

Students who believe that they may have been sexually harassed or intimidated should consult a counselor, teacher, Title IX coordinator, or administrator, who will assist them in the complaint process. Supervisors or teachers who knowingly condone or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation may themselves be subject to discipline.

Any District employee who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action, including but not limited to suspension and expulsion consistent with the District’s discipline policy. Any person who knowingly makes a false accusation regarding sexual harassment likewise will be subject to disciplinary action up to and including discharge with regard to employees or suspension and expulsion with regard to students.

The District will make every effort to ensure that employees or students accused of sexual harassment or intimidation are given an appropriate opportunity to defend themselves against such accusations.

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation. Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Any individual seeking further information should contact the Superintendent for the name of the current Title IX Coordinator for the District. The Superintendent shall ensure that the student

and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the District's compliance efforts.

The Superintendent shall be responsible for ensuring notice of this policy is provided to students, staff, and third parties and for the development of administrative regulations, including reporting and investigative procedures, as needed.

An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

BULLYING

The Colstrip School District recognizes the right of every student and staff member to learn and work where they are physically and emotionally safe and secure. To promote the rights of all students and staff, the Colstrip School district will take active steps to ensure that Colstrip School District is a place free of acts of bullying, harassment or any other forms of behavior that interfere with a healthy school environment. All administrators, faculty, staff, parents, volunteers and students will not tolerate bullying or harassment in any form and to demonstrate behavior that is respectful and acknowledges the basic human dignity of all persons.

For the purposes of this policy

Colstrip Public Schools Working Definition

A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons and he or she has difficulty defending himself or herself.

- A. "Bullying" can be defined as conduct that is reasonably perceived to be dehumanizing, intimidating, hostile, humiliating, threatening or otherwise likely to
 - be repeated or has the potential to be repeated on a continuous basis over time
 - cause physical harm to a public school employee or student or damage to the school employee's or student's property
 - substantially interfere with a student's education or a school employee's role within the Colstrip School District
 - create a hostile educational environment for one (1) or more school staff due to the severity, persistence, or pervasiveness of the act(s)
 - cause a substantial disruption of the orderly operation of the school or educational environment
- B. "Electronic Act" means a communication or image transmitted by means of any electronic device which might include but is not limited to telephones, wireless phones or smartphones, computers, or any other electronic device capable of transmitting images or data

- C. "Harassment" means a pattern of unwelcome verbal or physical conduct or conduct done through electronic act that causes or could be reasonably expected to cause a substantial disruption with others performance in the school environment
- D. "Substantial Disruption" means any one or more of the following conditions exist
- It has resulted in cessation of instruction or other educational activities
 - Student(s) or educational staff are unable to focus on essential learning due to the creation of a hostile school or classroom environment
 - Severe or repetitive disciplinary measures are needed in the classroom or during any educational activity

Bullying is prohibited:

- A. While in school, on school property or while using school vehicles, when at designated school bus stops, at school sponsored activities, at school sanctioned events or
- B. By any electronic act that results in substantial disruption of the orderly operation of the school or its educational environment. For the purposes of enforcement of this policy the electronic act need not occur on school property, during the school day or school year or use school equipment. This policy will be in effect if the electronic act is directed at students or school personnel, has as its purpose, primary intent or is reasonably expected to result in the establishment of a negative or hostile educational environment. The establishment of a negative or hostile educational environment shall be determined from the viewpoint of the victim or others similarly situated.

BULLYING DISCIPLINARY MEASURES

Any student who is a victim of bullying or who witnesses or has reliable information that a student has been victim of bullying should report the incident to a building administrator. The student reporting the incident shall remain confidential.

Any school employee or volunteer who has witnessed or has reliable information that a student has been bullied shall report it to the appropriate district administrator.

Administrators shall act promptly in investigating any incidents of bullying reported to them. If the investigation confirms an incident of bullying the administration shall discipline the student or students according to the consequences listed below.

Grades K-2

First Offense: The student will be informed that his/her conduct is unacceptable behavior in the Colstrip Schools. The parents shall be notified of the bullying behavior and a copy of this policy shall be sent home. The student will receive counseling from appropriate district staff on behavior modification. The victim of the bullying shall also be afforded counseling to assist the student in dealing with the effects of the bullying behavior.

Second Offense: The offender(s) shall receive no less than one (1) day no more than three (3) days of in-school detention. This detention may consist of lunch and/or recess detentions. The student's parents will be required to meet with appropriate school personnel and the student will receive additional counseling.

Third Offense: The student will be suspended from school for no less than one (1) day no more than three (3) days. The student will be considered a chronic offender and the parents will be informed of the potential of expulsion on any subsequent offense.

Fourth Offense: Student will be recommended for expulsion for a term of one year.

Grades 3-5

First Offense: Students will be informed of the inappropriate conduct. The student will receive no less than one (1) no more than three (3) detentions. The student's parent(s)/guardian(s) will meet with school administration where a copy of this policy will be given in person to the parent/guardian. The perpetrator and victim will be given appropriate counseling.

Second Offense: The Student will receive at least one (1) day and up to three (3) days of out of school suspension. Parents will be informed that the child is in jeopardy of long term suspension.

Third Offense: Student will be recommended for expulsion for a term of one (1) year.

Grades 6-12

First Offense: Student will receive no less than 3 no more than 5 days of in school suspension. Parents will be informed and a copy of this policy will be given to the parent/guardian.

Second Offense: Student will receive no less than three (3) no more than five (5) days of out of school suspension. Parents will be advised of the potential for expulsion.

Third Offense: Recommend expulsion for a term of one year.

Rights of the Colstrip Public Schools

The Colstrip Schools reserves the right to skip any one or more steps of this progressive disciplinary policy if the bullying incident results in bodily injury to the victim or is otherwise judged to have the potential to cause serious bodily injury.

Retaliation against a person reporting an act of bullying shall be considered an additional offense and will result in the next highest disciplinary level action being taken. Retaliation shall be defined as taking any verbal or physical action against any person reporting the act of bullying. Retaliation may include any act in which a person(s) encourages, persuades or otherwise incites others to retaliate on a person's behalf.

FIREARMS AND WEAPONS

Firearms

For the purposes of the firearms section of this policy, the term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

It is the policy of the Colstrip School District to comply with the federal Gun Free Schools Act of 1994 and state law 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. In accordance with 20-5-202 (3), MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. In accordance with Montana law, a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district must be expelled from school for a period of not less than 1 year.

However, the Board of Trustees through this policy authorizes the Superintendent, or principal of a school without a Superintendent, to use his/her discretion on a case-by-case basis and modify the requirement of expulsion of a student if he/she deems such modification to be warranted under the circumstances. Note: Under this Option, there is no expulsion hearing unless the administration determines that the circumstances warrant a recommendation of expulsion of the student for a period of one (1) year to the Board.

A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals with Disabilities Education Act.

Possession of Weapons other than Firearms

The District does not allow weapons on school property. Any student found to have possessed, used or transferred a weapon on school property will be subject to discipline in accordance with the District's discipline policy. For purposes of this section, "weapon" means any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury, including but not limited to air guns; pellet

guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal knuckles; nunchucks (also known as nunchucks); throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

No person shall possess, use, or distribute any object, device, or instrument having the appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons, including but not limited to weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a weapon.

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon in a school building, and the District may take disciplinary action as well in the case of a student. In addition the District will refer for possible prosecution to a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school building. (45-8-361 (1) (2))

For the purposes of this section only, "school building" means all buildings owned or leased by a local school district that are used for instruction or for student activities. (45-8-361 (5a))

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. (45-8-361 (3b))

This policy does not apply to law enforcement officers acting in his or her official capacity. (45-8-361 (3a))

GAMBLING

Students are not permitted to gamble for money while in school, on school property, in school vehicles, while on school-sponsored trips, or when representing the school during activity or athletic functions. Students who are found to be betting, playing cards, rolling dice for money, playing keno or poker machines, gambling on the Internet, or involved in any other form of gambling shall be reported to the principal. Appropriate discipline will be administered in accordance with the District's student discipline policies.

NETWORK AND STUDENT ACCESS VIOLATIONS

Electronic information resources are available to qualifying students in the District. These resources include access to the Internet and other network files or accounts. Our goal in

providing electronic services to students is to promote educational excellence by facilitating resource sharing, innovation, and communication.

Internet access is coordinated through a complex association of government agencies as well as regional and state networks. Through a filtering and monitoring system, the District has taken precautions to restrict access to inappropriate or illegal materials or those materials that have no educational value. Users who access, publish or attempt to access or publish inappropriate material or illegal Internet sites, will be subject to discipline up to and including suspension or expulsion.

As per board policy 3612, District Provided Access to Electronic Information, Services and Networks, consequences of misuse are defined as follows: "Any violation of District policy and rules may result in loss of district-provided access to the Internet. Additional disciplinary action may be determined at the building level in keeping with existing procedures and practices regarding inappropriate language or behavior. When and where applicable, law enforcement agencies may be involved."

A copy of the required Technology Resources User Agreement is attached at the end of this discipline policy. Please refer to acceptable and unacceptable use of technology in the user agreement.

ATTENDANCE INFRACTIONS

There is a direct correlation to attendance and academic success, and the general welfare of all students is best served by regular attendance.

The State of Montana has made education compulsory for all children from 7 to 16 years of age. Therefore, absences from school without adequate reason may be in violation of the law. (MCA 20-5-103-1040-105). Attendance in classes, unless exempt or excused is mandatory and students are responsible for being in class, on time, and prepared to participate.

Student non-attendance adversely affects student learning, impedes adequate yearly progress, and jeopardizes future academic success.

A person in each school will be designated by the principal to monitor absences. Parents are to contact the school in writing or with a phone call if their child will be absent. If previous arrangements have not been made by the parent/guardian, the district will follow procedures as allowed under MCA 20-5-102-108.

High School (grades 9-12):

In order to graduate from Colstrip High School, a student must complete twenty-five (25) credits with mastery of the material and attendance to include not more than ten (10) absences per semester (90 school days). Regular attendance is important, because valuable skills and information gained in the classroom may or may not show up on tests or be reflected in an academic grade. The general academic welfare of all students is best served by regular attendance.

1. Absences in any class may not exceed ten (10) days per semester (90 school days); absences in excess of ten (10) days per semester will result in loss of credit for that semester in that class if the absences have not been exempted from “attendance-for-credit” calculation.

“Attendance for credit” requires a full period of attendance. A full period is defined by the class schedule. All absences for full periods or any part of a period must fit the “exemption” criteria listed below in order to avoid loss of credit.

2. Those absences that occur due to school sponsored activities, since these are considered an equivalent education experience are exempt. These exemptions will apply to students participating in sport events, cheerleading, music-related events, school sponsored club trips, academic field trips, and others deemed co-curricular.

Exemption may be obtained by parental contact with the school upon return for any absence resulting from:

- a. Medical or dental appointments, or serious illness or hospitalization of the student (must be accompanied by written documentation from a doctor who has treated the student for that illness within three days).
- b. Serious illness or death of an immediate family member.
- c. Requirements to satisfy the law. (must be accompanied by written documentation from the respective legal authority).
- d. Emergency situations approved by school administration.
- e. College visits, conferences or workshops not sponsored by Colstrip Schools up to two (2) days will be exempted with written documentation during the visit from the college visited or conference attended. Written documentation must be submitted to the high school office no more than three (3) days upon return from college visit.
- f. Those otherwise stated in law.

Exempt absences are those absences that the parent knows about and are included in the above list. Excused absences are those that the parent knows about, but are not included in the above list.

3. All absences not specifically set forth above will be counted in the ten (10) day limit.
4. When the number of days missed has reached five (5) a letter will be sent by the building administration notifying the parent/guardian that the child is in jeopardy of losing credit in that class for that semester.
5. When the eighth (8th) day of absence in any class has occurred without exemption, parents/ guardians will be notified by letter that credit is in danger of being denied if another absence occurs or if sufficient exemptions are not certified before the end of the grading period.
6. When the eleventh (11th) day of absence in any class has occurred without exemption, parents/ guardians will be notified by certified mail, return receipt requested, that credit may be denied, unless written documentation verifying an exempt absence is received by the District within ten (10) business days of the date of the letter.
7. After going over the tenth (10th) absence Administration will review the absence report to determine if the student will have credit withheld, which will occur unless extenuating circumstances surface. Students/parents have the right to appeal the denial of credit with the Administration.
8. After hearing a student's/parent's appeal the Administration can deny or grant credit with stipulations.
9. Any decision to withhold credit can be appealed to the Superintendent and/or to the Board of Trustees.
10. If the appeal is denied, the student's status in that class will be determined by the administration. If disciplinary problems occur in that subject after denial of credit, the student may be suspended from school.
11. If the appeal is granted, the student will return to class with stipulations set forth by the district.

Elementary/Middle School, (grades K-8):

At the elementary/middle school level, absences may not exceed ten (10) days per semester (90 school days) or twenty (20) days per year, or ten (10) days per year for three day a week Kindergarten. After the tenth (10th) absence, the parent will meet with the building Administration, after the 20th absence, the parent will meet with the building Administration again to discuss the educational options of the student.

Reasons for excused absences may include but are not limited to:

- a. Those that occur due to school sponsored activities, since these are considered an equivalent education experience. These exemptions will apply to students participating in sport events, music-related events, school sponsored club trips, academic field trips, and others deemed co-curricular.
- b. Medical or dental appointments, or serious illness or hospitalization of the student (must be accompanied by written documentation from a doctor who has treated the student for that illness within three days).
- c. Serious illness or death of an immediate family member.
- d. Requirements to satisfy the law. (must be accompanied by written documentation from the respective legal authority).
- e. Emergency situations approved by school administration.
- f. Those otherwise stated in law.
- g. Pre-arranged absences requested by the parent and for which student work is made up in advance.
- h. Illness.

Parent/guardians will be notified of their student's absenteeism by a letter. Within five (5) days of the receipt of the letter notifying the parent/guardian that the maximum number of absences allowed has been exceeded, a parent/guardian should contact the principal or his/her designee and a meeting may be scheduled to consider retention. Retention for excessive absences is subject to the appeal process.

Loss of Enrollment K-12

If an attendance problem continues to persist, the student shall be declared a habitual truant. The building administrator shall interview the student and his/her family and prescribe corrective action, which may include recommended expulsion. All disciplinary measures will follow due process procedures. Any decision can be appealed to the Superintendent and/or the Board of Trustees.

In and Out of District students that miss more than twenty (20) days of school in a year may be brought before the Board of Trustees for review of administration recommendation and/or additional action. Out of District students missing an accumulation of more than twenty (20) days per year will be required to reapply for admission to the Colstrip Public Schools for the following school year. In district students who have missed an accumulation of more than twenty (20) school days per year must re-enroll.

If a student misses ten (10) consecutive days, with no notice given to the school district during the ten day period, the student will be dropped from enrollment at Colstrip Public Schools.

A letter will be sent to the parent/guardian that the student has been dropped from enrollment at Colstrip Public Schools.

In-district students must re-enroll. The Administration has the authority to assess the student to determine class/grade placement.

Decisions made in regard to loss of credit, grade placement and enrollment are subject to the appeal process.

TRUANCY

When a student is absent from school/class without parent or guardian knowledge or the school's permission is considered truant.

At the high school, if a parent fails to notify the school of an acceptable reason for an absence within two (2) days of the student's return, the absence will be considered truancy and dealt with accordingly.

DISCIPLINARY ACTION

DISCIPLINARY MEASURES

Disciplinary measures include but are not limited to:

- Expulsion
- Suspension
- Detention, including Saturday school
- 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.

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 products.

- 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 drug paraphernalia, illegal drugs, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. 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 in violation of the "Possession of Weapons other than Firearms" section in policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in policy 3311.
- 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.
- 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.

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.

REMOVAL OF STUDENT DURING SCHOOL DAY

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policies 4410 and 4411.
2. Any other agencies must have a written administrative or court order directing the District to give custody to them. However, employees of the Department of Public Health and Human Services may take custody of a student under provisions of § 41-3-301, MCA, without a court order. Proper identification is required before the student shall be released.
3. A student shall be released to the custodial parent. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.
4. The school should always check with the custodial parent before releasing the student to a non-custodial parent.
5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else's custody, unless an emergency situation justifies a waiver.
6. Police should be called if a visitor becomes disruptive or abusive.

SUSPENSION

The procedure set forth below will be followed when a 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 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 a suspension. An administrator will send a copy of the report and notice to the Superintendent.

The Superintendent will conduct a review of any suspension on request of a parent or legal guardian. A student and parent or legal guardian may meet with the Superintendent to discuss suspension. After the meeting and after concluding a review, the Superintendent will take such final action as appropriate.

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) or Rehabilitation Act.

Procedures for Suspension and Expulsion of Students With Disabilities

The District will comply with provisions of the Individuals with Disabilities Education Act (IDEA) 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.

A building administrator may suspend a student with an IDEA-protected disability from his/her current IEP placement for 10 school days or less in a school year without the provision of educational services. Beginning on the 11th day of suspension/expulsion, the school is required to provide the necessary services to allow the student to progress toward their IEP goals and participate in the general curriculum although in another setting 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 34 CFR 300.121(d).

There are three special circumstances when an Administrator may suspend/expel a student without regard to the behavior being a manifestation of the disability:

1. If the student carries or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the school district or the OPI;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the school district or the OPI;
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district or the OPI.

Under these circumstances, the student may be removed to an interim educational setting for not more than 45 school days without regard to whether the behavior is a manifestation of the student's disability(ies).

IN SCHOOL SUSPENSION (ISS)

In school suspension (ISS) is a student behavior management system that deals with individuals who come in conflict with school policy. Under the provisions of this program, involved students can be removed from main campus and assigned to ISS for a specified period of time. While ISS does retain heavy implication of punitive action and strict authoritarian control, the major objectives of this program carry positive benefiting tenants. An equally important benefiting factor of the program is that assigned students will continue with their regular schoolwork. And while assigned, the student will receive intensive assistance from the ISS aide.

Basically, ISS operates in an environment of strict adherence to set rules where the student must earn advancement through and eventually out of ISS back to regular classroom attendance. This list of rules will be posted in the ISS room. Students are required to be at the room on time, prepared to do the day's work, adhere to the posted rules and fully cooperate with any additional instructions that the ISS attendant may find necessary to set for the day. As soon as it is determined that a student is to be assigned to ISS, a request for schoolwork assignments must cover the number of days that a student is to be assigned. The assignment should be the same or very similar to that which the rest of the class is doing and will include work from every class in which the student is enrolled.

ISS Students with disabilities

An administrator may assign in-school suspension to any special education student found violating schools rules and/or guilty of gross disobedience or misconduct. If the student is provided with services that allows them to progress toward their IEP goals and participate in the general curriculum, it does not count as a day of suspension. When a student is removed from their regular setting and isolated from instruction, it is a day of suspension.

Student Management

Students will be prohibited from entering the main school campus while assigned to ISS. Students will be assigned a learning area and will not be permitted to leave the study area without permission of the ISS aide.

OUT OF SCHOOL SUSPENSION

Suspension of a student may be the result of a decision by a Building Principal/Assistant Principal and/or the Superintendent of Schools.

In cases of out-of-school suspension, written information of the details which resulted in the suspension of the student will be made available to the student and the parents/guardians.

The student must be provided with the opportunity to present his/her side of the problem. At this time the student may choose a parent, guardian, legal counsel, or other independent person, etc. who would be willing to act as confidant and advisor for the remainder of the procedure. Should the student's information indicate that there may be inaccuracies in the information presented to the administrator, the inaccuracies must first be checked out before further consideration of the suspension.

Information regarding the student and his/her unacceptable behavior shall be presented to the student in written form prior to an out-of-school suspension. The student must be informed as to what rule was broken, along with the basis of the accusation.

In emergency situations wherein out-of-school suspension is ordered, a student may be immediately removed from school without prior use of the due process procedures if the student's presence in school poses a continuing danger to persons or property, or an ongoing threat or disruption of the academic process. The student must be provided with a prompt post-suspension hearing.

In the event an out-of-school suspension results, the student has the right to appeal in accordance with the OSS Appeal Process (below) should he/she desire to do so and may be represented at that proceeding by legal counsel or a parent/confidant of his/her choice.

Students may not be on school property for any reason during the suspension period. Students who enter school property while on out-of-school suspension are guilty of trespassing and can be removed from the school property and/or dealt with under the "Trespass" and "Insubordination" sections of this policy.

Students may not attend activities, which include but are not limited to dances, sporting events and graduation/promotion exercises that are being held on school property, in accordance with MCA 20-5-201 (3).

During this suspension period, the student and his/her parents are responsible to see that all assigned work is completed. Upon return the student's work must be turned in or he/she will receive zeros for the work missed. If the suspension exceeds five (5) days, work should be turned in weekly (five school days) or the student will receive zeros.

OSS Appeal Process

The following process is designed to protect the personal rights of students of Colstrip Schools who find themselves in disciplinary situations. If a student believes that a right has been abridged such as the right to be heard, to provide information/evidence in his/her own defense, to be treated impartially or to be ensured that all pertinent information has been considered before a suspension decision has been made, then the following process should be immediately initiated. Persons served by this appeal should be aware that irresponsible or unwarranted initiation of the process can seriously hamper the protection it is designed to provide.

1. The following levels of appeal are available:
 - a. Building Principal
 - b. District Superintendent
 - c. Board of Trustees
2. Only appeals, submitted in writing, may be accepted for consideration.
3. The following guidelines for appeal will apply:
 - a. Any alleged infringement of a right must be appealed within 24 hours and in no case should appeal be delayed past the fifth (5th) school day following the incident generating the appeal.
 - b. When an appeal is submitted, the building principal will call a hearing on the matter within five (5) school days. The student or students involved will be present at the hearing and may be represented by counsel of their choice. The parent or guardian of any student involved in a hearing will be encouraged to attend. A written decision will be rendered by the building principal within five (5) school days following the hearing.

**During the appeal process the student(s) involved will be placed in ISS.

EXPULSION

Expulsion of a student requires action by the Board of Trustees. A student may also be suspended until the time of this expulsion hearing if conditions warrant.

In a case resulting in a recommendation of expulsion, written information regarding the student and his/her unacceptable behavior will be made available to the student and the parents prior to the expulsion hearing and to the Board of Trustees at the hearing held during a scheduled specially called meeting. (Principals will refer to Special Education Policy regulations.)

The student must be provided with the opportunity to present his/her side of the problem to the Trustees. At this time the student must be accompanied and/or represented by a parent, guardian, legal counsel, or other independent person of his/her choice that would be willing to act as confidant and advisor for the remainder of the procedure unless that student is 18 years of age and thus has reached the age of majority. Should the hearing's discovery of information indicate that there may be inaccuracies in the information presented to the Trustees, the inaccuracies must first be checked out before further consideration of the expulsion.

As a result of the hearing before the Board of Trustees a decision will be made as to:

- a. whether the student will be expelled from Colstrip Schools;
- b. for what length of time that expulsion will be in force and;
- c. what procedures and/or prerequisites will be required for reinstatement into a school in the district if such is to be allowed.

During this expulsion period the student is withdrawn from enrollment in Colstrip Public Schools. He/She and his/her parents are still responsible for meeting all requirements of the compulsory attendance statutes. Students will be afforded any assistance possible to facilitate enrollment elsewhere including collecting of transfer grades, transfer of records, etc.

EXPULSION APPEAL PROCESS

If a student disagrees with the review and decision of the Board of Trustees, an appeal or appropriate proceeding may be filed with the County Superintendent of Schools. No part of the foregoing procedures are to be construed as limiting the right of an individual to seek satisfaction in a Court of Competent Jurisdiction.

**During the appeal process the student(s) involved will spend the time in ISS.

CONDUCT & CONSEQUENCES CHART

Misconduct and Consequences:

The lists below are intended to provide examples of misconduct and consequences appropriate to this level. Teachers and principals may determine that misbehaviors not listed also qualify for this level. Teachers and principals may impose more than one consequence from the list and/or impose comparable consequences not listed here. Some misconduct requires a minimum consequence. The minimum consequences are described

LEVEL ONE

Acts that are minor, but interfere with normal classroom operation, school operation, and/or bus operation. Level one violation remains part of the student's discipline record depending on school rules.

NOTE: The Consequence List is intended to be considered as a whole for any of the Misconduct Examples except for cases in which a Minimum Consequence is designated. See the Minimum Consequence Chart for identified descriptions.

The following list of offenses is representative, and may not be all-inclusive. The Principal will decide which category a particular offense may fall into:

LEVEL 1 OFFENSES:

- 1. Public Display of Affection**
- 2. Dress/Hair Code Violation**
- 3. "Horseplay" or "Roughhousing"**
- 4. Disturbance on school grounds, bus, or school property**
- 5. Parking Violations**
- 6. Failure to attend an Assigned Detention by a Teacher/Administrator**

- 7. **Profanity (minor or major will determine consequence)**
- 8. **Improper checkout of school**
- 9. **Being in part of school building without permission**
- 10. **Other minor offenses**
- 11. **Cell Phone Violations**
- 12. **Internet Use Violation**

LEVEL ONE CONSEQUENCE OPTIONS:

- Conference with Teacher and/or verbal reprimand
- Withdrawal of privileges
- Behavior contract
- Warning and documenting unacceptable behavior
- Conference with parents (phone or in person)
- Detention
- Counseling
- In-School Suspension
- Out of School suspension

LEVEL TWO

Frequent or serious acts that disrupt the learning climate of the classroom, school, and/or the bus. Level two and one violations may remain part of a student's record for school year.

The following list of offenses is representative, and may not be all-inclusive. The Principal will decide which category a particular offense may fall into:

LEVEL 2 OFFENSES:

1. **Insubordination, Non-Compliance**
2. **Chronic Disruptive Behavior (classroom, bus, playground, etc.)**
3. **Minor Vandalism**
4. **Unexcused Absences/Truancy**
5. **Cheating/Plagiarism/Forgery/Dishonesty**
6. **Disrespectful behavior (minor)**
7. **Failure to fulfill an assigned consequence**

LEVEL TWO CONSEQUENCE OPTIONS

- Withdrawal of privileges
- Restitution/Replacement if needed
- Warning and documenting unacceptable behavior
- Conference with parents (phone or in person)
- Detention
- Counseling
- Temporary removal from class
- In-School Suspension
- Out of School Suspension

LEVEL THREE

Acts directed against persons or property that may endanger the health and safety of others in the school and which may be in violation of the law. Level Three violations remain part of the student's records while at a particular school.

LEVEL 3 OFFENSES:

1. **Bullying/Harassment/Verbal Abuse/Assault**
2. **Verbal or Written Threat (direct or implied)**
3. **Physical Fighting or Hampering Efforts/Presence at a Fight**
4. **Endangerment to Person or Property**
5. **Destruction of Property (financial restitution also required)**
6. **Theft (< \$500; financial restitution also required)**
7. **Use/Possession/Association of -Alcohol or Tobacco, or any nicotine delivery systems (e.g. e-cigarettes, vapes) Law Enforcement may be called**
8. **Sexual Harassment**
9. **Encouraging, Inciting, Aiding, or Abetting Violence**
10. **Trespassing**
11. **Major Vandalism (financial restitution also required)**
12. **Disrespectful behavior (major)**
13. **Extortion**
14. **Possession of Illegal Drugs with intent to use**

LEVEL THREE CONSEQUENCE OPTIONS:

- Financial restitution in cases where damage or loss is incurred
- Temporary removal from a class
- Detention

- Suspension of bus privileges
- Notify law enforcement if necessary
- Contact parents
- In-School Suspension
- Drug/Alcohol Counseling
- Out of School Suspension

LEVEL FOUR

Behaviors so serious as to require action that will result in at least the temporary removal of the student from the school. Level four violations remain part of the student's active discipline record.

LEVEL 4 OFFENSES: (Law Enforcement will be called)

- 1. Possession of Illegal Drugs with Intent to Sell/Distribute**
- 2. Possession or Use of Weapons**
- 3. Major Physical Assault**
- 4. Death Threats**
- 5. Sexual Assault**
- 6. Felony Theft (> \$500; financial restitution also required)**
- 7. Bomb Threat**

8. **Deliberate Launching or Implanting a Computer Virus into any School Computer System**
9. **Pulling Fire Alarm Falsely/False 911 Calls**
10. **Setting of Fires or Ignition of Fireworks**

LEVEL FOUR CONSEQUENCE OPTIONS

- Out of School Suspension
- Suspension of bus privileges
- Recommendation of expulsion from school
- Referral to police or other legal authorities

MINIMUM CONSEQUENCES

Misconduct

Minimum consequences are described to set a standard of expected behavior with a specific consequence that will be maintained. The described consequences below will be communicated with the parent by the administration immediately upon the confirmation of the misconduct.

CONSEQUENCE CHART

Schools are responsible for keeping order during the school day, at activities, and to and from school. Listed below are the probable specific consequences for violating specific school rules. The administration may **CHOOSE** from the options listed. The administration has the responsibility to determine the best way to bring about the desired change in student behavior and may, in special cases, select an option not listed. School or community service, withdrawal of privileges, or suspension from attending activities, for example, may be applicable consequences in some instances. Built into each level is a “severe clause” whereby the classroom teacher/administration may skip all steps and remove a student from the classroom if misbehavior is severe enough to cause disruption to the learning atmosphere. Where several options are listed, the administration may **CHOOSE ANY OR ALL** of the options including options not listed. Additionally, some infractions may have policy specific discipline procedures and requirements and would be subject to additional or alternate consequences:

OFFENSE	STEP 1	STEP 2	STEP 3	STEP 4
LEVEL 1	Office Referral, Counselor Referral Verbal Warning, Detention	Office Referral, Counselor Referral, Detention	Office Referral, I.S.S. Detention, Contact Parent	Office Referral, I.S.S./O.S.S. Contact Parent
LEVEL 2	Office Referral, I.S.S. Contact Parent	Office Referral, I.S.S. Contact Parent, Counselor Referral	Office Referral, ISS, Behavior Contract, Contact Parent, Meeting with Parent or Guardian prior to returning	Office Referral, OSS, Contact Parent, Meeting with Parent or Guardian prior to returning
LEVEL 3	Office Referral, Contact Parent, ISS/OSS, Counselor, Meeting with Parent or Guardian prior to returning	ISS/OSS, Contact Parent, Meeting with Parent or Guardian prior to returning	OSS, Contact Parent, Meeting with Parent or Guardian prior to returning	OSS, Recommend Expulsion, Contact Parent, Conference with School Board
LEVEL 4	Contact Law Enforcement, Contact Parent, Recommend Expulsion, Conference with School Board	N/A	N/A	N/A

DISCIPLINE OF SPECIAL EDUCATION STUDENTS

Special education students who violate disciplinary rules and regulations will be disciplined in accordance with the District’s regular students’ disciplinary policies and procedures, unless the behavior is determined to be attributable to the student’s handicapping condition(s). Parents of

special education students should refer to the “Procedural Safeguards in Special Education Under IDEA” from the Montana Office of Public Instruction.