

1 **Ovando School District #11**

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3 **STUDENTS**

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5 Suspension and Expulsion

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7 The District recognizes and honors students’ constitutional right to education opportunity. However, as
8 provided under Montana law, the District will exercise its right to suspend or expel a student when
9 necessary. The District expects all students to know and follow District policies and rules. The District
10 considers a student’s failure or refusal to comply with District policies and rules cause for discipline,
11 suspension, or expulsion.

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13 The following definitions apply for purposes of this policy:

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

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

19 Students with disabilities will be suspended or expelled pursuant to provisions of the Individuals with
20 Disabilities Education Act (IDEA) or Rehabilitation Act and corresponding Montana law.

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22 Upon a finding by a school administrator that the immediate return to school by a student would be
23 detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a
24 student may be suspended for one (1) additional period not to exceed ten (10) school days, if the student
25 is granted an informal hearing with the school administrator prior to the additional suspension, and if the
26 decision to impose the additional suspension does not violate the Individuals with Disabilities Education
27 Act (IDEA) or Rehabilitation Act.

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29 The Superintendent will develop procedures to implement this policy and submit the procedures to the
30 Board for its advice and consent.

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32 The trustees shall annually review this policy and update the policy as determined necessary by the
33 trustees based on changing circumstances pertaining to school safety.

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35 Legal Reference:	20 U.S.C. 1400, et seq.	Individuals with Disabilities Education Act
36	34 CFR 300.519-521	Procedural Safeguards
37	§ 20-4-302, MCA	Discipline and punishment of pupils –definition
38		of corporal punishment – penalty – defense
39	§ 20-4-402, MCA	Duties of district superintendent or county high
40		school principal
41	§ 20-5-105, MCA	Attendance officer – powers and duties
42	§ 20-5-106, MCA	Truancy
43	§ 20-5-201, MCA	Duties and sanctions
44	§ 20-5-202, MCA	Suspension and expulsion
45	ARM 10.16.3346	Aversive Treatment Procedures
46	<i>Goss v. Lopez</i> , 419 US 565 (1975)	

47 Policy History:

48 Adopted on: March 10, 2014

49 Reviewed on: February 10, 2014

50 Revised on: February 10, 2014