

## ADMINISTRATIVE RULES OF MONTANA STANDARDS OF ACCREDITATION STUDENT PROTECTION PROCEDURES

### 10.55.719 STUDENT PROTECTION PROCEDURES

- (1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:
- (a) causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;
  - (b) substantially and materially interferes with access to an educational opportunity or benefit; or
  - (c) substantially and materially disrupts the orderly operation of the school.
- (2) Behavior prohibited under (1) includes retaliation against a victim or witness who reports behavior prohibited under (1).
- (3) "Persistent" as used in this rule can consist of repeated acts against a single student or isolated acts directed against a number of different students.
- (4) The behavior prohibited in (1) includes but is not limited to conduct:
- (a) in a classroom or other location on school premises;
  - (b) during any school-sponsored program, activity, or function where the school is responsible for the student including when the student is traveling to and from school or on a school bus or other school-related vehicle; or
  - (c) through the use of electronic communication, as defined in 45-8-213, MCA, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.
- (5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:
- (a) a prohibition on the behavior specified in (1), regardless of the underlying reason or reasons the student has engaged in such behavior;
  - (b) a procedure for reporting and documenting reported acts of behavior prohibited under (1);
  - (c) a procedure for investigation of all reports of behavior prohibited under (1)(a) that includes an identification of the persons responsible for the investigation and response;
  - (d) a procedure for determining whether the reported act is subject to the jurisdiction of the school district or another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;
  - (e) a procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors;
  - (f) a procedure to protect any alleged victim of behavior prohibited under (1)(a) from further incidents of such behavior;
  - (g) a disciplinary procedure establishing the consequences for students found to have committed behavior prohibited under (1); and
  - (h) a procedure for the use of appropriate intervention and remediation for victims and perpetrators.
- (History: 20-2-121, MCA; IMP, 20-2-121, MCA; NEW, 2012 MAR p. 2042, Eff. 7/1/13.)