

A. INTRODUCTION

1. These rules and procedures are designed to be consistent with District philosophy and goals and with community expectations.
2. These rules and procedures are designed to protect the safety, rights and responsibilities of students, parents, and employees.
3. Every reasonable effort will be made to change unacceptable student behavior into acceptable behavior.
4. These disciplinary rules apply to student conduct at all times while students are at school or on school premises, on District-provided transportation, at any place where a District-sanctioned interscholastic athletic contest is taking place, during the course of any field trip or during the course of any other trip or activity sponsored by or under the supervision of the Board or of sponsors designated by the superintendent.

B. TEACHER RESPONSIBILITIES

1. Each teacher shall be in charge of his/her classroom and shall enforce District-wide rules and regulations for the proper management of students. District staff is expected to comply with this policy by example.
2. No pupil will be subjected to corporal punishment. Alaska Department of Education regulations define "corporal punishment" as the "application of physical force to the body of a student for disciplinary purposes." (4 AAC 07.900)
3. Corporal punishment does not include the use of reasonable and necessary physical restraint of a student to protect the student, or others, from physical injury, to obtain possession of a weapon or other dangerous object from a student, to maintain reasonable order in the classroom, or on school grounds, or to protect property from serious damage or destruction.

C. APPLICATION

1. These regulations apply to the following student conduct:
2. Conduct which occurs while a student is on school premises during, immediately before or immediately after school hours when supervision is provided.
3. Conduct which occurs while a student is at a school-sponsored event (before, during or after normal school hours).
4. Conduct which occurs while a student is traveling on District-provided or District-sponsored transportation to or from school or a school-sponsored event.
5. Conduct on school premises at any other time when the school is being used by a school-sponsored group.
6. Higher standards may exist for students involved in voluntary extracurricular activities or athletics.
7. Conduct during the course of any field trip or during the course of any other trip or activity sponsored by or under the supervision of the Board or of sponsors designated by the superintendent.
8. The Student Activities Handbook and the regulations adopted by the Alaska School Activities Association (ASAA) also apply to the code of conduct.

D. DISABLED STUDENTS

1. Discipline of a disabled student will comply with the provisions of Section 10 of the Policy and Procedure Manual for the Special Education Student, and with all other required procedures and processes.
2. Such disciplinary procedures should be included in an individual education plan and discussed with the parent/caretaker during the individual education plan process.
3. In developing the individual education plan, the Student Services Team shall review the needs of the student and the manner in which the handicap may affect behavior.
4. If it is determined that the student cannot be expected to follow acceptable behavior patterns because of substantial interference from the handicapping condition, the individual educational plan must specify the procedures to be followed if unacceptable behavior occurs.
5. Nothing in this subsection is intended to negate or diminish the due process rights afforded to non-handicapped students.

E. REFERRAL PROCEDURE

1. Building administrators will develop a standard referral system to be used by Ketchikan High School staff.
2. Staff members will refer students to the designated school administrator. Kayhi staff members will be required to submit a "Student Behavioral Referral" in writing with evidence of a parent contact.
3. The list of consequences for each offense describes the usual and customary consequences for each infraction, and subsequent infractions, and it is expected that the administrator will consider the seriousness and frequency of each offense in choosing which consequences are appropriate.
4. The age appropriateness of a particular consequence will be taken into consideration.

6. OFFENSES AND CONSEQUENCES

6.1 Verbal assault of a student, staff member, volunteer or other adult.

6.1.1 First Offense - Grades 9-12:

- 6.1.1.1 Contact with parent/caretaker.
- 6.1.1.2 In-house suspension and/or suspension for a maximum of three (3) school days.
- 6.1.1.3 Student's name may be submitted to the Student Services Team, counselor or other intervention persons.
- 6.1.1.4 Conference with parent/caretaker prior to return of student to school may be required by the building administration.
- 6.1.1.5 Referral to proper authority

6.1.2. Second and Subsequent Offenses - Grades 9-12:

- 6.1.2.1 Contact with parent/caretaker.
- 6.1.2.2 In-house suspension and/or suspension for a maximum of five (5) school days.
- 6.1.2.3 Student's name may be submitted to the Student Services Team, counselor or other intervention persons.
- 6.1.2.4 Conference with parent/caretaker prior to return of student to school may be required by the building administration.
- 6.1.2.5 Referral to proper authority.

6.2 Physical assault of a student, staff member, volunteer or other adult.

6.2.1 First and Subsequent Offenses - Grades 9-12:

- 6.2.1.1 Contact with parent/caretaker.
- 6.2.1.2 In-house suspension and/or suspension for a maximum of ten (10) school days up to permanent expulsion.
- 6.2.1.3 Restitution for personal damages and/or school property that was damaged or destroyed associated with the assault.
- 6.2.1.4 Student's name may be submitted to the Student Services Team, counselor or other intervention persons.
- 6.2.1.5 Conference with parent/caretaker prior to return of student to school may be required by the building administration.
- 6.2.1.6 Referral to proper authority.

6.3 Fighting: Mutual use of physical force by two or more students.

6.3.1 First Offense - Grades 9-12:

- 6.3.1.1 Contact with parent/caretaker.
- 6.3.1.2 Conference with student and involved parties.
- 6.3.1.3 In-house suspension and/or suspension for a maximum of ten (10) school days.
- 6.3.1.4 Conference with parent/caretaker prior to return of student to school may be required by building administration.

6.3.2 Second and Subsequent Offenses - Grades 9-12

- 6.3.2.1 Contact with parent/caretaker.
- 6.3.2.2 Suspension for a maximum of ten (10) school days and/or expulsion.
- 6.3.2.3 Student's name may be submitted to the Student Services Team, counselor or other intervention persons.
- 6.3.2.4 Conference with parent/caretaker prior to return of student to school may be required by building administration.
- 6.3.2.5 Referral to proper authority.

6.4 Theft or damage: Any deliberate damage to or theft of property belonging to the District or to an individual (including, but not limited to, books, locks and lockers).

6.4.1 First Offense Grades 9-12:

- 6.4.1.1 Contact with parent/caretaker.
- 6.4.1.2 Restitution and/or work service.
- 6.4.1.3 In-house suspension and/or suspension for a maximum of five (5) school days.
- 6.4.1.4 Referral to proper authority.
- 6.4.1.5 Conference with parent/caretaker prior to return of student to school may be required by building administration.

Theft or damage, Second Offense(cont.)**6.4.2 Second and Subsequent Offenses - Grades 9-12:**

- 6.4.2.1 Contact with parent/caretaker.
- 6.4.2.2 Restitution and/or work service.
- 6.4.2.3 In-house suspension and/or suspension for a maximum of five (5) school days.
- 6.4.2.4 Referral to proper authority.
- 6.4.2.5 Student's name may be submitted to the Student Services Team.
- 6.4.2.6 Conference with parent/caretaker prior to return of student to school may be required by building administration.

6.5 Alcohol and Drugs: Possession, use or being under the influence of an alcoholic beverage or of any other drug. This rule applies to look-alike drugs and to those represented as being a controlled substance. The proper possession or use of drug paraphernalia, prescribed use of medication obtained by medical prescription from a physician or a registered pharmacist, or over-the-counter medication authorized by a parent/caretaker in writing, shall not be considered a violation of this rule.

6.5.1 First Offense Grades 9-12:

- 6.5.1.1 Confiscation of item(s).
- 6.5.1.2 Item(s) turned over to proper authority.
- 6.5.1.3 Conference with parent/caretaker prior to return of student to school may be required by building administration.
- 6.5.1.4 Referral to proper authority.
- 6.5.1.5 Student's name may be submitted to the Student Services Team.
- 6.5.1.6 Suspension for a maximum of ten (10) school days.
- 6.5.1.7 Recommend participation in an approved community alcohol or other drug education program.

6.5.2 Second and Subsequent Offenses - Grades 9-12

- 6.5.2.1 Confiscation of item(s).
- 6.5.2.2 Item(s) turned over to proper authority.
- 6.5.2.3 Conference with parent/caretaker may be required by building administration.
- 6.5.2.4 Referral to proper authority.
- 6.5.2.5 Suspension for a minimum of five (5) school days up to expulsion.
- 6.5.2.6 Continuing suspension or expulsion.

6.5.1 Selling or Distributing: Selling or distributing an alcoholic beverage or any drug or drug paraphernalia. This rule applies to look-alike drugs and to those represented as being controlled substances. The District will support law enforcement efforts to enforce the Drug Free School Zone laws.

All offenses

- 6.5.2.7 Confiscation of item(s).
- 6.5.2.8 Item(s) turned over to proper authority.
- 6.5.2.9 Contact with parent/caretaker.
- 6.5.2.10 Referral to proper authority.
- 6.5.2.11 Submission of name of student to Student Services Team.
- 6.5.2.12 Suspension for a minimum of five (5) school days up to expulsion.
- 6.5.2.13 Conference with parent/caretaker prior to return of student to school may be required by building administration.

6.6 Tobacco: Smoking, possessing, selling or distributing tobacco or tobacco products.

6.6.1 First Offense - Grades 9-12:

- 6.6.1.1 Contact with parent/caretaker.
- 6.6.1.2 Referral to proper authority.
- 6.6.1.3 Confiscation of tobacco or tobacco product(s) if student is under age 19.
- 6.6.1.4 In-house suspension for one (1) school day.

6.6.2 Second and Subsequent Offenses - Grades 9-12:

- 6.6.2.1 Contact with parent/caretaker.
- 6.6.2.2 Confiscation of tobacco or tobacco product(s) if student is under age 19.
- 6.6.2.3 In-house suspension and/or suspension for a maximum of three (3) school days.
- 6.6.2.4 Referral to proper authority.
- 6.6.2.5 Conference with parent/caretaker prior to return of student to school may be required by building administration.

- 6.7 Insubordinate Behavior:** Behaviors which are defined as insubordinate include but are not limited to: disobeying or defying the reasonable/prudent direction of District personnel; cumulative minor infractions in the nature of the conduct described in this section which occur over a period of days within a semester and disrupt the educational process; profane or rude behavior; throwing objects not a part of the regular school program which creates a property of safety hazard; reckless conduct which creates a risk of harm to anyone; failure to follow normal safety rules and procedures; failure to comply with building COVID safety measures including masking and social distancing; truancies and tardies; disruptive conduct which has the effect of disrupting the learning environment . This regulation is intended to give latitude to the staff in dealing with insubordinate behavior.
- 6.7.1 First Offense - Grades 9-12:
- 6.7.1.1 Removal from classroom and/ or District-sponsored activity/athletics up to one (1) school day.
 - 6.7.1.2 Suspension to be determined by the administrator who will consider the seriousness and frequency of the offense.
 - 6.7.1.3 Contact with parent/caretaker prior to return of student to school may be required by building administration.
- 6.7.2 Second and Subsequent Offenses -Grades 9-12:
- 6.7.2.1 Removal from classroom and District-sponsored activities/athletics for a maximum of five (5) school days.
 - 6.7.2.2 Suspension with possible expulsion proceedings.
 - 6.7.2.3 Conference with parent/caretaker prior to return of student to school may be required by building administration.
- 6.8 Sexual Harassment:** Any unwelcome sexual advance, request for sexual favors, sexual statement or physical contact, including sexist remarks or behavior, which results in a tense and/or unproductive learning or work environment. Conduct of an unwelcome sexual nature which: is indicated to be term or condition of an individual's academic or employment experience; is used as a basis for academic or employment decisions; interferes with an individual's academic or employment performance; or creates an intimidating, hostile or offensive academic or employment environment is included in this definition.
- 6.8.1 All Offenses - Grades 9-12:
- 6.8.1.1 Conference with student.
 - 6.8.1.2 Conference with student and offended party
 - 6.8.1.3 Contact with parent/caretaker
 - 6.8.1.4 Suspension up to 10 days.
 - 6.8.1.5 Possible referral to proper authority.
 - 6.8.1.6 More stringent discipline may be imposed in view of the severity and frequency of the offense, up to and including expulsion.
 - 6.8.1.7 Contact with parent/caretaker prior to return of student to school may be required by building administration.
 - 6.8.1.8 NOTE: False accusations will result in the same consequences set forth in Section 6.08.
- 6.9 Weapons Generally:** Any student who transmits or brings a weapon onto school premises or to any school-sponsored activity or who possesses, uses, displays, sells, purchases, or otherwise exercises control over a weapon on school premises or at any school-sponsored activity will be subject to discipline as provided for in this regulation. To protect all students, the District is also including in this prohibition all weapons that have the appearance of being real. Even if a student contends he/she brought a weapon to school premises or to a school-sponsored activity for bona fide educational purposes, such conduct constitutes a violation of this prohibition unless the student or his/her parent/caretaker has obtained prior written consent from the building principal. Firearms and destructive devices are dealt with in Section 6.10. This regulation deals only with weapons generally, other than firearms and destructive devices.
- 6.9.1 All Offenses
- 6.9.1.1 Confiscation of the weapon(s).
 - 6.9.1.2 Contact and conference with parent/caretaker.
 - 6.9.1.3 Referral to proper authority.
 - 6.9.1.4 Student's name may be submitted to Student Services Team.
 - 6.9.1.5 Suspension and/or expulsion to be determined by severity of the offense.
 - 6.9.1.6 Contact with parent/caretaker prior to return of student to school may be required by building administration

6.10 Firearms and Destructive Devices: Any student who transmits or brings any firearm or destructive device onto school premises or to any school-sponsored activity or who possesses, uses, displays, sells, purchases, or otherwise exercises control over a firearm or destructive device on school premises or at any school-sponsored activity will be subject to discipline as set forth in this policy. Firearms and destructive devices are not under any circumstances allowed at school or to be present at school activities to which school discipline policies are applicable. Because of the inherently dangerous nature of firearms and destructive devices, they will not be permitted on school premises or at school activities under any circumstances, even for bona fide educational purposes.

6.10.1 All Offenses:

- 6.10.1.1 Contact with parent/caretaker.
- 6.10.1.2 Referral to proper authority.
- 6.10.1.3 Expulsion for a period of not less than 1 year.
- 6.10.1.4 NOTE: The Superintendent of Schools, acting within his/her discretion, shall have the authority to alter the terms of such expulsion on a case-by-case basis for good cause shown.

6.11 Dress: Appropriate dress is that which does not constitute a disruption in the educational process through intimidation, prohibited solicitation as set forth below, or harassment. The attire shall also not interfere with the health and safety of the student or other students. Clothing that promotes any form of tobacco, alcohol or other drug use or abuse shall not be worn within the school environment. Clothing that states obscenity or obscenities, or language that is offensive by reasonable community standards, shall be considered inappropriate. Remarks that are sexual in nature or racist are included in this category. If it becomes apparent that clothing displays any form of gang-related message, it shall be considered as inappropriate in the educational setting and will not be allowed.

6.11.1 All Offenses Grades 9-12:

- 6.11.1.1 Student is directed to adjust his/her attire so as to conceal the objectionable statement.
- 6.11.1.2 Contact with parent/caretaker.
- 6.11.1.3 Student is sent home to change clothes.
- 6.11.1.4 In-house suspension or suspension for a maximum of 5 days.
- 6.11.1.5 Contact with parent/caretaker prior to return of student to school may be required by building administration.

6.12 Unethical or Dishonest Behavior: Cheating on an examination or class assignment (including plagiarism); deliberately making a false statement or presenting false information regarding an educational matter.

6.12.1 First Offense:

- 6.12.1.1 Student will receive no credit on an examination or assignment on which he/she has been found to have cheated.
- 6.12.1.2 Referral to a school counselor
- 6.12.1.3 In-house suspension for up to one school day.
- 6.12.1.4 Conference with student and parent/caretaker.

6.12.2 Second and Subsequent Offenses:

- 6.12.2.1 Student will receive no credit on any examination or assignment on which he/she has been found to have cheated.
- 6.12.2.2 In-house suspension for up to 3 school days.
- 6.12.2.3 Referral to a school counselor.
- 6.12.2.4 Conference with student's parent/caretaker.

6.13 Harassment, Intimidation and Bullying: An intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and: physically harms the student or damages the student's property; has the effect of substantially interfering with the student's education; is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or has the effect of substantially disrupting the orderly operation of the school.

6.13.1 First Offense - Grades 9-12

- 6.13.1.1 Perpetrator is informed of District's zero tolerance policy and retaliation.
- 6.13.1.2 Perpetrator is warned to cease all forms of intimidation.
- 6.13.1.3 Student's name may be submitted to the Student Services Team, counselor or other intervention person.
- 6.13.1.4 Contact with parent /caretaker.
- 6.13.1.5 In-house suspension or suspension up to five (5) days.
- 6.13.1.6 Referral to proper authority.

Harassment, Intimidation and Bullying, (cont.)6.13.2 Second and subsequent offenses – Grades 9-12

- 6.13.2.1 Perpetrator is informed of District's zero tolerance policy and retaliation.
- 6.13.2.2 Perpetrator is warned to cease all forms of intimidation.
- 6.13.2.3 In house suspension or suspension up to five (5) days.
- 6.13.2.4 Conference with parent/caretaker prior to the return of student to school may be required by building administration.
- 6.13.2.5 Referral to Student Services Team, counselor or other intervention persons.
- 6.13.2.6 Referral to proper authority.

6.14 Cell Phone Use (BP 5138)**6.15 School Provided Technologies (BP 5139, BP 6164)**

- 7. ATTENDANCE:** It is critical that students develop an early commitment to attending school. If established early, such commitment will stay with them throughout their academic career. A strong attendance expectation will aid in this effort. Students will not develop this commitment without parents who are committed to their children's attendance. The responsibility for regular attendance lies with the student and his/her parents. It is the District's belief that time spent on task with teachers is a major factor relating to the student's success in school and that attendance has a direct effect on learning. Because of this belief, the District will enforce the Alaska Compulsory Education statutes for those students residing within the District. See Appendix A.

- 7.1 Absences:** With the exception of school participation absences, every absence, whether excused or unexcused, is considered an absence, including but not limited to, illness(es) and family trips. The principal or his/her designee will contact the student's parent/guardian regarding each unexcused absence.

- a. School Participation Absences are defined as absences due to organized, chaperoned, school-related activity. The following criteria must be met to qualify for excused pre-planned absences:
 - 1. Student must have a "C" average at the time of the requested absence.
 - 2. Student must be passing in all classes.
 - 3. Student must have the written approval of all his/her teachers.
 - 4. A checkout form must be signed by the student's parent/caretaker after all of the student's teachers have signed the form and indicated the present grade.
 - 5. The completed checkout form must be turned in to the attendance secretary at least three (3) days prior to the first day of the requested absence.
- b. Excused Absences are defined as absences due to illness(es) or family emergencies.
- c. Unexcused Absences include but are not limited to:
 - 1. Truancy (all or part of the day)
 - 2. Suspension

- 7.2 Tardies:** A tardy is defined as being ten (10) minutes or less late to class. (Late arrival of eleven (11) or more minutes is an absence but counts as a tardy in PowerSchool.)

- 7.2.1 Tier 1: Student averages less than 1 tardy per week
 - 1. No action taken by administration.
- 7.2.2 Tier 2: Student averages 1 or more tardies per week BUT 1 or fewer tardies per day
 - 1. Conference with student
 - 2. Contact with parent/caretaker
- 7.2.3 Tier 3: Student averages more than 1 tardy per day
 - 1. Contact with parent/caretaker.
 - 2. Behavior contract between student and administrator.
 - 3. Removal from District-sponsored activities/athletics for a maximum of five (5) school days.

- 7.3 Make Up Work:** It is the student's responsibility to obtain missing and/or make up work for any class absence.

- 7.3.1 School Participation Absences:
 - 1. The student will follow the checkout procedures for school participation absences set forth above.
 - 2. Any assigned homework will be turned in the day the student returns to school. Failure to do so will result in no credit for the work.
- 7.3.2 Excused Absences: The student will have the number of days absent to complete and turn in the make up work. Students will have the number of days absent to complete and turn in make up work assigned in regards to participation points. Failure to complete and turn in work according to this schedule may result in no credit for the work.
- 7.3.3 Unexcused Absences: The student forfeits the right to make up work, and no passing grade or credit will be granted.

- 7.4 Loss of Credit:** When the total number of absences (excluding school participation absences as defined above reaches twelve (12) days per semester, no credit will be given. The principal could, in exceptional circumstances, grant a waiver to exceed this number. "Exceptional circumstances" are defined below. At the discretion of the principal, any student who accumulates twelve (12) absences in one semester (excluding school participation absences) may be subject to the following additional consequences:
- 7.4.1 The student will be removed from classes and assigned to permanent in-house suspension for the remainder of the semester.
 - 7.4.2 Through Revilla High School, the student will be allowed to earn credit in courses on which the parent/caretaker and student agree.
 - 7.4.3 Elective classes will be eliminated from the student's schedule and only those classes required for graduation will be permitted.
 - 7.4.4 When the total number of Excused Pre-Planned Absences reaches twelve (12) days per semester, no credit will be given. The principal could, in exceptional circumstances, grant a waiver to exceed this number.
 - 7.4.5 Students receiving no credit for non-attendance will have an "NC" recorded on their transcript and counted in the grade point average as an "F".
 - 7.4.6 If a student wishes to appeal a loss of credit because of attendance problems, he/she must contact the superintendent and follow proper Due Process procedures as outlined in Section 8.5.
- 7.5 Exceptional Circumstances** are defined as:
- a. Verified hospitalization, illness or injury;
 - b. Verified appointments with or other absences required by health care providers (physicians, dentists, chiropractors, public health nurses, etc.) and
 - c. Verified family emergencies such as a death or serious illness in the immediate family (parents, grandparents, brother, sister, aunt, uncle, child, or spouse);
 - d. Illness or absences related to COVID-19, including absences resulting from the need to comply with federal, state, or local COVID health mandates.
 - e. Chronic illnesses accompanied by doctor verification. Parents must notify the school the day of the absence.
- 7.6 Truancies:** Truancies are classified as "Insubordinate Behavior" (See 6.7) and will follow the discipline procedures set forth in that section.
- 7.7 Appeal Procedure:** The appeal procedure is in place to avoid "punishing" students for being ill. If a student is absent due to illness for eleven (11) days and the parent has called in each illness and make-up work has been done consistently that student is an excellent candidate for a good cause waiver. If a parent/caretaker wishes to appeal a loss of credit, the parent/caretaker will notify the superintendent in writing as soon as possible but in any event within fifteen (15) school days of the loss of credit notification.
- 7.7.1 Initial Appeal
The initial appeal of a loss of credit decision shall be made to the superintendent or his/her designee. Upon receipt of the parent/caretaker's notice of appeal, the superintendent will schedule the initial appeal hearing as soon as possible but in any event within ten (10) school days of the parent/caretaker's notice of appeal. The initial appeal hearing will be conducted as follows:
1. Presentation of facts by principal.
 2. Presentation of facts by parent/caretaker.
 3. Rebuttal by principal.
 4. Rebuttal by parent/caretaker.
 5. Questions, if any, from the superintendent. The superintendent will render a written decision to both parties as soon as possible but in any event within five (5) school days of the initial appeal hearing.
- 7.7.2 Final Appeal
The parent/caretaker may further appeal by notifying the School Board in writing as soon as possible but in any event within fifteen (15) days of the initial appeal decision. The notice of appeal shall indicate whether the parent/caretaker desires this final hearing to be a public or private hearing. Upon receipt of this notice of appeal, the School Board will schedule an appeal hearing as soon as convenient.

7.7.2 Final Appeal hearing (*continued*)

Hearing will be conducted as follows:

1. Presentation of facts to superintendent.
2. Presentation of facts to parent/caretaker.
3. Rebuttal by superintendent.
4. Rebuttal by parent/caretaker.
5. Questions, if any, from the School Board. The School Board will render a written decision to both parties as soon as possible but in any event within five (5) days of the final appeal. The decision will be based solely on the record presented by the parties at the final appeal hearing.

8. SUSPENSION/EXPULSION: The District will adhere to State law and Department of Education regulations with regard to any and all suspension and expulsion considerations.

8.1 Grounds for Suspension or Denial of Admission: Pursuant to AS 14.30.045 a school age child may be suspended from or denied admission to the public school which the child is otherwise entitled to attend only for the following causes:

- a. Continued willful disobedience or open and persistent defiance of reasonable school authority;
- b. Behavior which is harmful to the welfare, safety, or morals of other pupils;
- c. A physical or mental condition which in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;
- d. A physical or mental condition which in the opinion of a competent medical authority will cause the attendance of the child to be harmful to the welfare of other pupils;
- e. Conviction of a felony which the school board determines will cause the attendance of the child to be harmful to the welfare or education of other pupils.

8.2 Suspension or Denial of Admission (4 AAC 06.060)

8.2.1 A pupil suspended or expelled under this section may appeal to the District Board.

8.2.2 Expulsion or denial of admission of a pupil shall be solely upon the action of the governing school board in the school district.

8.3 Expulsion: The District recognizes that maintaining an environment which promotes learning and protects the health, safety and welfare of all students may require the suspension or expulsion of a student from regular classroom instruction. District policies and school site rules shall clearly identify student behavior standards. The superintendent or principals may impose suspension when other means of correction fail to bring about proper conduct or for serious misconduct. The Board may expel a student for severe or prolonged breaches of discipline. Except for single acts of a grave nature, expulsion is usually used only when there is a history of misconduct, when other forms of discipline, including suspensions, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to other students. Suspended or expelled students shall be excluded from all school-related extracurricular activities during the suspension or expulsion. The Board shall provide for the fair treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The superintendent or his/her designee shall specify procedures for notices and appeals.

8.4 Process and Procedures

To the extent applicable, the process and procedures to be observed for determining whether and the extent to which disciplinary action will be taken pursuant to this policy are set forth elsewhere in District policy and regulation. (See "Due Process and following, below). To the extent that suspension, expulsion or denial of admission are to be considered as possible outcomes, the process observed will comply with applicable law, including but not limited to Alaska Statutes and Department of Education Regulations.

The District intends that the process to be observed will provide a framework for reasonable and fair decision making. If a student or his/her parents contend that the District is not providing appropriate process or procedures, it is incumbent upon them to bring the concern to the attention of the District in a timely fashion, so that the District will have a reasonable opportunity to alleviate or mitigate the concern. Failure to timely raise the concern will constitute a binding waiver of any and all objections not timely made. ("Timely" is defined in Appendix B, attached hereto.)

8.5 Due Process**8.5.1. Authority to Suspend**

- 8.5.1.1 The principal may suspend a student from school for not more than ten (10) consecutive school days for any of the causes set forth in the "Grounds" section of this regulation.
- 8.5.1.2 The superintendent may suspend a student from school for not more than twenty (20) consecutive school days for any of the causes set forth in the "Grounds" section of this r regulation.
- 8.5.1.3 If the expulsion of a suspended student is being considered by the Board, the superintendent or his/her designee may, in writing, extend the suspension until such time as the Board has made a decision.

8.5.2 Short Term Suspension Procedures (10 days or less)

- 8.5.2.1 Informal Conference: Suspension shall be preceded by an informal conference conducted by the principal/assistant principal between the student, and whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity explain his/her version and evidence in support of his/her defense. If, at the end of this conference, the principal/assistant principal believes the student is guilty of the misconduct charged, the student may be suspended for 10 school days or less.

The conference may be omitted if the principal or his/her designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. If the student is physically unable to attend within the time stated, the conference will be held as soon as the student is physically able to return to school.

8.5.2.2 Notice to Parents/Guardians

- 8.5.2.2.1. At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension.
- 8.5.2.2.2 This notice shall state the reasons for suspension and the date and time when the student may return to school, and may request that the parent/guardian confer with school authorities regarding matters pertinent to the suspension.

8.5.3 Authority to Expel

A student may be expelled only by the Board. A student may be expelled for any of the reasons provided for in Section 8.1. The superintendent or principal shall recommend a student's expulsion for any of the following acts, unless the principal or superintendent finds, and reports in writing to the Board, that expulsion is inappropriate due to particular circumstances which shall be set out in the report of the incident:

- a.
 - a. Causing serious physical injury to another person, except in self-defense.
- b.
 - b. Possession of any firearm, knife, explosive or other dangerous object at school or at a school activity off school grounds.
 - c. Unlawful sale of any controlled substance.
 - d. Robbery or extortion.

8.5.4 Expulsion Procedures**8.5.4.1 Student's Right to Hearing**

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within ten (10) school days after the principal or his/her designee determined that cause for expulsion exists. Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

Expulsion Procedures (continued)8.5.4.2 *Written Notice of the Hearing*

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least five (5) calendar days before the date of the hearing. The notice shall include:

- a. The date and place of the hearing.
- b. A statement of the specific facts and charges upon which the proposed expulsion is based.
- c. A copy of the District's discipline rules which relate to the alleged violation.
- d. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel.
- e. The right to inspect and obtain copies of all documents to be used at the hearing.
- f. The opportunity to confront and question all witnesses who testify at the hearing.
- g. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

8.5.4.3 *Conduct of Hearing*

- a. The District shall conduct a hearing to consider the expulsion of the student in a session closed to the public. The superintendent shall appoint a hearing officer. The hearing officer shall not be a member of the Board or on the staff of the school in which the student is enrolled.
- b. A record of the hearing shall be made and may be maintained by any means, including electronic recording, so long as a reasonable accurate written and complete transcription of the proceedings can be made.
- c. While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure may subject them to an unreasonable risk of harm.
- d. In cases where a search of a student's person or property has occurred, evidence describing the reason for conducting the search shall be included in the record of the hearing. The hearing officer shall, within three (3) school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board.

8.5.5 Final Action by the Board

8.5.5.1 The final action to expel must be taken by the Board at a public meeting.

8.5.6 Written Notice to Expel

8.5.6.1 The superintendent or his/her designee shall send written notice of the decision to expel to the student or parent/guardian.

8.5.7 Suspension and Expulsion: Identified Disabled Students

8.5.7.1 A student enrolled in a special education program is subject to the same grounds for suspension which apply to non handicapped students. The superintendent or his/her designee may suspend a special education student for up to, but not more than, 10 school days for a single incident of misconduct. In the case of a truly dangerous child, a suspension may exceed ten (10) school days, or the student's placement may be changed, or both, if the parent/guardian so agrees or if a court order so provides.

8.5.7.2 The Board may expel a special education student only if an individualized educational program team has determined that a) the misconduct was not caused by, or a direct manifestation of, the student's identified handicap and b) the student was appropriately placed at the time the misconduct occurred.

8.5.7.3 Procedures and time lines governing the discipline (including, but not limited to, suspension and expulsion) of special education students are set forth in the Policy and Procedure Handbook for Special Education for the District.

Legal References:

AS 14.30.045 *Grounds for suspension or denial of admission.*

AS 14.30.047 *Admission or readmission, when cause no longer exists.*

4 AAC 06.060 *Suspension or denial of admission.*

4 AAC 07.010-07.900 *Student Rights and Responsibilities.*

APPENDIX A - COMPULSORY EDUCATION

- I.I. Alaska Statute 14.30.010. When attendance compulsory.
- A. Every child between seven and 16 years of age shall attend school at the public school in the District which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between seven and 16 years of age shall maintain the child in attendance at a public school in the district in which the child resides during the entire school term, except as provided in (b) of this section.
- B. This section does not apply if a child:
1. Is provided an academic education comparable to that offered by the public schools in the area, either by
 - a. attendance at a private school in which the teachers are certified according to AS 14.20.020;
 - b. tutoring by personnel certificated according to AS 14.20.020; or
 - c. attendance at an educational program operated in compliance with AS 14.45.100 - 14.45.200 by a religious or other private school;
 2. attends a school operated by the federal government;
 3. has a physical or mental condition which a competent medical authority determines will make attendance impractical;
 4. is in the custody of a court or law enforcement authorities;
 5. is temporarily ill or injured;
 6. has been suspended or denied admittance according to AS 14.30.045;
 7. resides more than two miles from either a public school or a route on which transportation is provided by the school authorities, except that this subsection does not apply if the child resides within two miles of a federal or private school that the child is eligible and able to attend;
 8. is excused by action of the school board of the district at a regular meeting or by the district superintendent subject to approval by the school board of the district at the next regular meeting;
 9. has completed the 12th grade;
 10. is enrolled in
 - a. the state boarding school established under AS 14.16; or
 - b. a full-time program of correspondence study approved by the department; in those school districts providing an approved correspondence study program, a student may be enrolled either in the district correspondence program or in the centralized correspondence study program;
 11. is equally well-served by an educational experience approved by the school board as serving the child's educational interests despite an absence from school, the request for excuse is made in writing by the child's parents or guardian, and approved by the principal or administrator of the school that the child attends.
- II. Alaska Statute 14.30.020. Violations. A person who knowingly fails to comply with AS 14.30.010 is guilty of a violation. Each five days of unlawful absence under AS 14.30.010 is a separate violation.
- III. Alaska Statute 14.30.030. Report of violations and procedures. The chief administrative officer of a school district or regional educational attendance area (Superintendent) shall report all apparent violations of AS 14.30.010 to the governing body of the district (School Board). The governing body shall, on receiving the report or on the complaint of any person, provide for a full and impartial investigation of all charges of violation. In private or federal schools, the chief administrative officer shall make a full and impartial investigation of all apparent violations. If it reasonably appears upon investigation that a person has violated AS 14.30.010, the governing body of a district school or regional educational attendance area (School Board), or the chief administrative officer of a private or federal school, shall make and file with the district court a complaint against the person, charging the violation.
- IV. Alaska Statute 11.81.900(57) defines "violation" as a non criminal offense punishable only by a fine, but not by imprisonment or other penalty. It further states that conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime and that a person charged with a violation is not entitled to a trial by jury or to have a public defender or other counsel appointed at public expense to represent the person.
- V. Alaska Statute 12.55.035 Fines(5) sets forth the fine (\$300 for violation)

APPENDIX B - DEFINITIONS

Aggressive behavior: physical behaviors directed toward another person including, but not limited to, kicking, hitting, biting, shoving, tripping or slapping.

Assault, physical: to intentionally, knowingly and recklessly cause or act in an attempt to cause physical injury to another; assault includes, but is not limited to, aggressive behavior.

Assault, verbal: to place another person in fear of imminent physical injury by words and/or conduct.

Bullying, Harassment and Intimidation: An intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and: physically harms the student or damages the student's property; has the effect of substantially interfering with the student's education; is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or has the effect of substantially disrupting the orderly operation of the school.

Caretaker: any adult 21 years or older significant other whose relationship with the family is such that he/she does or is willing to provide support services to the student and family.

Chronic Illness: a prolonged; lingering illness. Example: asthma

Destructive device: includes any explosive, incendiary or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, any missile having an explosive or incendiary charge of more than one-quarter ounce, any mine, or device similar to the devices described as destructive devices. The prohibition of destructive devices also includes any combination of parts designed or intended for use in converting any device into a destructive device, as described above, or from which a destructive device can be readily assembled.

Detention: assignment to a designated area before, during or after school.

Drug: a substance recognized as a drug in the Official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to these publications; a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; a substance, other than food, intended to affect the structure or any function of the body of humans or animals; and a substance intended for use as a component of any article specified in this definition.

Drug Free School Zone: Federal and State statutes provide for penalties for the distribution of drugs within 500 feet of a school, the "Drug Free School Zone", subject to the following conditions:

Does not require knowledge of the proximity of a school.

Does not require evidence that children are currently or likely to congregate.

Does not require proof that the sale of drugs had a detrimental effect on children.

Drug paraphernalia: includes, but is not limited to, any item or device used to conceal, store, process, prepare, inject, ingest, inhale or otherwise introduce a drug into the human body.

Expulsion: administrative removal of a student from the physical and academic school premises, including school activities, for at least the remainder of the current semester, but not to exceed one (1) year.

Fighting: mutual use of physical force by two or more students in circumstances in which it is not possible to determine the aggressor.

Firearm: includes 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. Firearms include the frame or receiver of any such weapon and any firearm muffler or firearm silencer. Firearms also include any type of weapon by whatever name which will or may be readily converted to expel a projectile by the action of an explosive or other propellant and which has any barrel or bore of more than one half inch in diameter.

Gang: a group that (a) claims a physical territory, (b) engages in criminal, discriminatory or antisocial activities and (c) displays two or more of the following characteristics: (1) interacts among itself to the exclusion of others, (2) adopts recruitment criteria for eligibility and membership, (3) adopts symbols of membership.

APPENDIX B – DEFINITIONS - Continued

Harass: to persistently act in a manner (verbal or physical) which serves to distress, annoy, or torment another person.

In loco parentis: legal obligation applied to the District or its agents to act in place of parent in a manner which would provide an appropriate environment conducive to education.

In-house suspension: removal of student from classroom and school activities by an administrator or designee and assignment to a designated room or area within the school building.

Physical injury: a physical pain or an impairment of physical condition [AS 11.81.900(41)].

Proper Authority: the criminal referral system.

Prudent: capable of exercising sound judgment in practical matters.

Reasonable: using or showing reason; or sound judgment, sensible.

Restitution: reimbursement for actual loss or damage by court order or by the Superintendent's office. (At the discretion of the principal or his/her designee, restitution may be accompanied by community work service.)

Sexual harassment: any unwelcome sexual advance, requests for sexual favors, sexual statement or physical contact, including sexist remarks or behavior, which results in a tense and/or unproductive learning or work environment. Conduct of an unwelcome sexual nature which (a) is indicated to be term or condition of an individual's academic or employment experience, (b) is used as a basis for academic or employment decisions, (c) interferes with an individual's academic or employment performance, or (d) creates an intimidating, hostile or offensive academic or employment environment is included in the definition. "Sexual harassment" is defined in more detail in the District's administrative regulations dealing with sexual harassment.

Social activities: any non-academic school activity in which a student would normally participate, including but not limited to recess, lunch hour and assemblies.

Student Services team: a group of school building staff members who assess the educational and developmental needs of students.

Suspension: temporary removal of a student from school building and property and from participation in activities.

Theft: the taking of property without the owner's consent.

Timely: two school days (see Due Process - a parent has two school days from the time of notification of procedural results to alleviate or mitigate a concern.)

Truancy: willful and unjustified failure to attend school by one who is required to attend; skipping

Weapon: any knife, club, ax, metal knuckles, and other object designed for or capable of causing death or serious physical injury under the circumstances in which it is used, attempted to be used or threatened to be used, including any weapons that have the appearance of being real.

Youth Services team: a community-based group of agency-school personnel dealing with youth-related issues and focusing on the prevention of delinquency.

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