

## AR 5131: Code of Conduct for Elementary Schools

### A. INTRODUCTION

1. These rules and procedures are designed to be consistent with District philosophy and goals and with community expectations. The Ketchikan Gateway Borough School District is based on humanitarian and democratic principles and recognizes the rights and dignity of others. As a community of educators, we believe that building relationships with students is paramount to their success. This includes building collaborative relationships with students and their families, so together we can partner to ensure student success. The ultimate goal of school discipline is to build inclusive school communities that allow students to remain actively engaged in learning and minimize time taken from instruction and learning. We need the support of all stakeholders, especially our families, to make this goal a reality.

*Our intentions for discipline are aligned with the following objectives:*

- Provide students with ample opportunities to change behavior and nurture/restore relationships.
- Provide a program that is progressive and restorative by design.
- Provide understanding of appropriate, though varied, administrative responses to discipline referrals and concerns.
- Provide students, parents/guardians, and school personnel with clearly stated advanced knowledge of the courses of action to be followed in handling discipline matters.
- Provide professional learning and support to employ strategies and actions that align with the principles of a democratic society.

***Every reasonable effort will be made to keep students in their learning environment, using suspension and/or expulsion only as a last resort. Our goal is to keep students in school and actively engaged in learning.***

### 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 are expected to comply with this policy by example. Whenever possible all level 1 interventions shall be conducted in his/her classroom. Parent contact shall be made at the earliest convenience. *(see Appendix E)*

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. The Ketchikan Gateway Borough School district is trained in and uses Crisis Prevention Institute (CPI) de-escalation and restraint practices.

### **C. APPLICATION**

*These regulations apply to the following student conduct:*

1. Conduct which occurs while a student is on school premises during, immediately before or immediately after school hours when supervision is provided.
2. Conduct which occurs while a student is at a school-sponsored event (before, during or after normal school hours).
3. Conduct which occurs while a student is traveling on District-provided or District-sponsored transportation to or from school or a school-sponsored event.
4. Conduct on school premises at any other time when the school is being used by a school-sponsored group.
5. Higher standards may exist for students involved in voluntary extracurricular activities or athletics.

School Administrators and Deans of Students will make decisions for actions and consequences in a manner that they reasonably believe will alter future student behavior as well as guarantee the safety and well-being of all students in the district. Based on the contextual circumstances of each individual student and the severity of a specific act, the dean or administrator will select actions according to the Tiers of Intervention as organized for each offence. Student actions that have a higher risk of safety or well-being concern, greater learning disruption, or represent ongoing chronic issues may result in the selection of actions from higher tiers. A dean or administrator may select actions from multiple tiers as a response to the same event if they believe those collective actions will best meet their behavior goals for the student.

### **D. STUDENTS WITH DISABILITIES**

1. Discipline of a student with disabilities 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. District administrators will develop a standard referral system to be used by all schools.
2. Staff members will refer students to the designated school administrator.
3. The school administrator will refer to the tier system to determine the consequence for each infraction.
4. The age appropriateness of a particular consequence will be taken into consideration.
5. When parent contact or involvement is required, a guardian or designee may be utilized.
6. Corresponding Powerschool entry must be completed by administrator.
7. Teacher receives communication back regarding end result.

**6. OFFENSES AND CONSEQUENCES**

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

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Conference with students and educate about verbal assault.</li> <li>● Contact with parent/designee.</li> <li>● Written Reflection or Apology</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension and/or suspension for maximum up to three (3) school days.</li> <li>● Conference with parent/designee prior</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension and/or suspension for a maximum of five (5) school days.</li> <li>● Referral to proper authority.</li> </ul>

<ul style="list-style-type: none"> <li>● Time-out for student</li> <li>● Conflict Resolution</li> <li>● Lunch Detention</li> </ul>	<p>to return of student to school.</p> <ul style="list-style-type: none"> <li>● Submission of student's name to MTSS Team.</li> <li>● Suspension from social activities for up to one (1) school day.</li> <li>● Pre-Arranged after school detention</li> </ul>	<ul style="list-style-type: none"> <li>● Behavioral Intervention Plan</li> </ul>
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**6.2 Physical assault** of a student, staff member, volunteer or other adult.

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Contact with parent/caretaker.</li> <li>● Conference with student and educate about physical assault.</li> <li>● Suspension from social activities for 1 school day.</li> <li>● Submission of student's name to MTSS Team</li> <li>● Written Reflection or Apology</li> <li>● Time-out for student</li> <li>● Conflict Resolution</li> <li>● Lunch Detention</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension and/or suspension for a maximum of three (3) school days.</li> <li>● Conference with parent/caretaker prior to return of student to school</li> <li>● Suspension from social activities for up to three (3) school days.</li> <li>● Restitution for personal damages and/or school property that was damaged or destroyed associated with the assault.</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension up to five (5) school days up to permanent expulsion</li> <li>● Automatic referral to proper authority.</li> <li>● Conference with parent/caretaker prior to return of student to school</li> <li>● Behavior Intervention Plan</li> </ul>

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

Tier 1	Tier 2	Tier 3
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<ul style="list-style-type: none"> <li>● Contact with parent or caretaker.</li> <li>● Conference with student and involved parties.</li> <li>● Suspension from social activities for one (1) school day.</li> <li>● Written Reflection or Apology</li> <li>● Time-out for student</li> <li>● Conflict Resolution</li> <li>● Lunch Detention</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension and/or suspension for up to three (3) days.</li> <li>● Suspension from social activities for up to three (3) school days.</li> <li>● Submission of student's name to MTSS team</li> </ul>	<ul style="list-style-type: none"> <li>● Out of School suspension for up to five (5) school days and/or expulsion.</li> <li>● Conference with parent/caretaker prior to return of student to school.</li> <li>● Optional: Referral to proper authority.</li> </ul>
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**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).

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Conference with student and educate about theft or damaging property.</li> <li>● Contact with parent/designee</li> <li>● Restitution and/or work service.</li> <li>● Written apology.</li> </ul>	<ul style="list-style-type: none"> <li>● Restitution and/or work service.</li> <li>● Removal from participation in school activities until restitution is made.</li> <li>● In-school suspension for a maximum of three (3) school days</li> <li>● Submission of student's name to MTSS.</li> <li>● Parent/caretaker conference prior to reinstatement.</li> <li>● Referral to proper authority.</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension and/or suspension for a maximum of five (5) school days.</li> <li>● Parent/caretaker conference prior to reinstatement.</li> <li>● Referral to proper authority.</li> </ul>

**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, 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.

<b>All Tier 1 are Required (Must also always include at least one element from Tier 2 or 3)</b>	<b>Tier 2</b>	<b>Tier 3</b>
<ul style="list-style-type: none"> <li>● Confiscation of items</li> <li>● Item(s) turned over to authorities</li> <li>● Contact and Conference with Caregiver</li> <li>● Referral to proper authority</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension of up to 5 days</li> <li>● Referral to Ketchikan Youth Court</li> <li>● Referral to MTSS team</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension for 5 school days up to expulsion</li> <li>● Parent/Student participation in an approved community alcohol or other drug education program</li> </ul>

**6.5.3 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.

<b>All Tier 1 and 3 are Required</b>	<b>Tier 2</b>	<b>Tier 3</b>
<ul style="list-style-type: none"> <li>● Confiscation of items</li> <li>● Item(s) turned over to authorities</li> <li>● Contact and Conference with Caregiver</li> <li>● Referral to proper authority</li> <li>● Referral to Ketchikan Youth Court</li> <li>● Referral to MTSS team</li> </ul>		<ul style="list-style-type: none"> <li>● Suspension for 5 school days up to expulsion</li> <li>● Parent/Student participation in an approved community alcohol or other drug education program</li> </ul>

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

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Contact with parent/caretaker.</li> <li>● Referral to proper authority.</li> <li>● Confiscation of tobacco or tobacco product(s) if student is under age 19.</li> <li>● In-house suspension for one (1) school day.</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension for up to three (3) school days.</li> <li>● Referral to proper authority.</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension and/or suspension for a maximum of three (5) school days.</li> <li>● Referral to proper authority.</li> <li>● Conference with parent/caretaker prior to return of student to school.</li> </ul>

**6.7 Insubordinate Behavior: Behaviors which are defined as insubordinate include but are not limited to:**a) disobeying or defying the reasonable/prudent direction of District personnel; b) 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; c) profane or rude behavior; d) throwing objects not a part of the regular school program which creates a property or safety hazard; e) reckless conduct which creates a risk of harm to anyone; f) failure to follow normal safety rules and procedures; g) 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. If the staff member’s solutions or use of normal building procedures do not result in a behavior change, a student may be referred to an administrator.

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Contact with parent/caretaker.</li> <li>● Conference with student and involved parties.</li> <li>● Check In-Check Out</li> </ul>	<ul style="list-style-type: none"> <li>● Removal from classroom or District-sponsored activity/athletics for a minimum of one (1) school day.</li> <li>● In-school suspension to be determined by the administrator- up to 3 days per event</li> </ul>	<ul style="list-style-type: none"> <li>● Out of School suspension to be determined by the administrator - up to 3 days per event</li> </ul>

**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 a 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.

All Tier 1 are Required (Must also always include at least one element from Tier 2 or 3)	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Conference with student and education about sexual harassment.</li> <li>● Contact with parent/caretaker.</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension and/or suspension for a minimum of one (1) school day.</li> <li>● Suspension from social activities for a minimum of one (1) school day to maximum of three school days</li> <li>● Referral to MTSS Team</li> <li>● Parent/caretaker conference prior to student reinstatement.</li> </ul>	<ul style="list-style-type: none"> <li>● Possible referral to proper authority.</li> <li>● More stringent discipline may be imposed in view of the severity and frequency of the offense, up to and including expulsion</li> </ul>

**6.8.4.6 NOTE:** False accusations will result in the same consequences set forth in Section 6.8

**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.

*Student(s) will be removed from class and/or activities until investigation is complete. Superintendent will be contacted immediately.*



A deadly weapon: anything designed for and capable of causing death or serious physical injury, including any firearm, a knife, an axe, a club, metal knuckles, or an explosive; or a defensive weapon: an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury; or a dangerous instrument: anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury. (AS 11.81.900)

A school district shall suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210(a)(8) while possessing a deadly weapon, other than a firearm. (AS 14.03.160 (abridged))

**The Superintendent of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student.**

**6.10 Firearms, Dangerous Instruments, 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,  
*Student(s) will be removed from class and/or activities until investigation is complete.*  
Contact the Superintendent Immediately.

A deadly weapon: anything designed for and capable of causing death or serious physical injury, including any firearm, a knife, an axe, a club, metal knuckles, or an explosive; or a defensive weapon: an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury; or a dangerous instrument: anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury. (AS 11.81.900)

A school district shall suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210(a)(8) while possessing a deadly weapon. (AS 14.03.160 (abridged))

**The Superintendent of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student.**

**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.

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Parent/caretaker is contacted by phone OR (if feasible) student is directed to adjust his/her attire so as to conceal the objectionable statement.</li> <li>● Student is sent home to change clothes.</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension from social activities for two school days</li> <li>● In-school suspension for 1-2 days</li> <li>● Referral to MTSS Team</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension for 3-5 school days.</li> <li>● Conference with parent prior to student return</li> </ul>

**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.

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Conference with the student</li> <li>● Contact Parent or Guardian</li> <li>● Student receives no credit for the assignment (required in all instances)</li> </ul>	<ul style="list-style-type: none"> <li>● Suspension from social activities for one school day</li> <li>● In-school suspension for 1-2 school days</li> <li>● Referral to MTSS Team</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension for 3-5 school days</li> <li>● Conference with Parent of Guardian</li> </ul>

**6.13 Harassment, Intimidation and Bullying (including cyber-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:

- a) physically harms the student or damages the student’s property;
- b) has the effect of substantially interfering with the student’s education;
- c) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- d) has the effect of substantially disrupting the orderly operation of the school.

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Conference with the student and educate about the act</li> <li>● Contact Parent or Guardian (Required in all circumstances)</li> <li>● Referral to proper authorities</li> </ul>	<ul style="list-style-type: none"> <li>● Referral to MTSS Team</li> <li>● In-school suspension for 1-2 days</li> <li>● Conference with Parent or Guardian</li> </ul>	<ul style="list-style-type: none"> <li>● In-school suspension for 3-5 school days</li> <li>● Out-of-school suspension for 1-5 days</li> </ul>

**6.14 Inappropriate Cell Phone Use:** Staff must be able to regulate misuse of electronic devices, referred to here as “cell phones”, but including other electronic communication devices. It is not our intent to limit the use of these devices before or after school. If parents need to contact students outside these times, they may call the school phone. Because of the potential for cheating, harassment, threats, illegal, or illicit activities, the school reserves the right to search all devices.

Tier 1	Tier 2	Tier 3
<ul style="list-style-type: none"> <li>● Phone confiscated and returned to student at end of the day</li> </ul>	<ul style="list-style-type: none"> <li>● Phone confiscated and made available to parent or guardian for pick up from the main office. Device may not be returned to student</li> </ul>	<ul style="list-style-type: none"> <li>● Conference with Parent or Guardian</li> <li>● Referral to MTSS Team</li> </ul>

	during the same school day it was confiscated.	
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**6.18 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.

**Preplanned Absences:** Prior approval for planned vacations/absences will be required by the schools. The parent/caretaker is to notify the school/teacher(s) at least six (6) school days prior to the child's absence so that homework may be given. It is expected that the child will return with said homework completed and the teacher will then grade that homework.

**Make Up Work:** Students are expected to continue assigned school work during a pre-planned absence. Students who fail to turn in homework within 3 school days of an absence after a planned absence will receive a "no credit" in the record book for that assignment(s).

**6.18 Absence Consequences:** The following regulations will be enforced when students are absent for a below-specified number of days during the school year whether those absences are excused or unexcused.

<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
<ul style="list-style-type: none"> <li>Staff communicates with families advising them of the importance of better attendance and the potential problems if attendance limits are exceeded.</li> </ul>	<ul style="list-style-type: none"> <li>Referral to MTSS Team</li> <li>Letter sent home to parents advising them of the importance of better attendance and the potential problems</li> </ul>	<ul style="list-style-type: none"> <li>The parent/caretaker will be required to attend a meeting with the teacher(s) and principal to determine future action. A written record of this meeting</li> </ul>

	<p>if attendance limits are exceeded.</p>	<p>will be retained in the student's record.</p> <ul style="list-style-type: none"> <li>● Require student to attend summer school</li> <li>● If it is determined that the Alaska Compulsory Education laws may have been violated, the superintendent shall report said apparent violation to the School Board for further investigation.</li> </ul>
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**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.
- f. Any incoming student new to the KGBSD that has been Expelled from another district.

**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: (BP 5144.1)**

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 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. Causing serious physical injury to another person, except in self-defense.
- 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 Student Appeal Process**

**8.5.4.1** Students, parents, and caretakers may use the student appeal form to appeal an administrative decision within 10 days of alleged infraction.

**(Appendix 2)**

**8.5.4.2** Students, Parents, and Caretaker should have tried to resolve issues at the lowest level possible. A meeting between parties should have taken place before the Student Appeal can be submitted.

**8.5.4.3** Once a School Administrator receives an appeal form they have 10 school days to respond.

**8.5.4.4** If the Student, Parent, or Caretaker is not satisfied with the result their parents can appeal directly to the Superintendent or designee.

### **8.5.5 Expulsion Procedures**

#### **8.5.5.1 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.



#### **8.5.5.2 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.

#### **8.5.5.3 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 reasonably 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.

#### **KGBSD School Board References:**

<b>BP 5144</b>	<b>Discipline</b>
<b>BP 5144.1</b>	<b>Suspension and Expulsion</b>
<b>BP 5142.3</b>	<b>Restraint and Seclusion</b>
<b>BP 5131</b>	<b>Conduct</b>

<b>BP 5030</b>	<b>School Discipline and Safety</b>
<b>BP 5131.3</b>	<b>Bus Conduct</b>
<b>BP 5131.4</b>	<b>Campus Disturbances</b>
<b>BP 5131.6</b>	<b>Alcohol Tobacco and Other Drugs</b>
<b>BP 5131.51</b>	<b>District Sponsored Student Activities ATOD testing</b>
<b>BP 5131.7</b>	<b>Weapons and Dangerous Instruments</b>
<b>BP 5132</b>	<b>Dress and Grooming</b>
<b>BP 5138</b>	<b>Student Personal Electronic Device and Cell Phone Use</b>

**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. 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" is 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.

**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-school 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.

**MTSS Team:** a group of school building staff members who assess the educational and developmental needs of students.

**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.

**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.



## Appendix C - Behavior Management and Intervention Examples

### Intervention Philosophy

Each day in our schools, we influence our students' social emotional learning and development while employing restorative practices to help strengthen our learning community. We are focused on building healthy, positive relationships; preventing harmful behavior; productively resolving conflict with individuals and groups; and fostering a positive and inclusive learning environment. We value open dialogue to repair relationships, and we remain unequivocally committed to the principle that disorderly and disruptive behavior shall not be permitted to interfere with other students' access to learning. To maintain a safe and respectful learning environment, staff will work to address and support behavioral concerns and address behaviors at the teacher/classroom level. These conversations may also include peers, parents/guardians, and the administration who all share the responsibility to support and maintain a safe and inclusive learning environment and school community.

Areas of the classroom are clearly defined with visual/structural parameters.
Each learning environment has a clear purpose or function.
Each learning environment is free of distractions (i.e. unnecessary furniture, visuals, etc.)
Children are seated and positioned to maximize focus on task or teacher directed learning.
Materials needed for activities are in appropriate places in the classroom where students can access them easily.
Materials are clearly labeled/marked for all students to see.
Materials are age and developmentally appropriate for the students.
Activities have a clear functional purpose to support the lesson taught.
Activities are age and developmentally appropriate.
A variety of activity-types are available including sedentary, active, group, independent, cooperative, teacher directed, and independent activities.
Students are actively engaged in instruction and/or social activities during free time.

Each student is engaged in at least part of each classroom activity, using same or similar materials as other students, and carrying out objectives that are “invisibly” embedded in the ongoing activity
In large group activities, students are actively addressed at least every 2-3 minutes by “lead” teacher.
A variety of instructional strategies are being used.
Direct instruction is used as necessary to teach initial acquisition of skills.
Skills taught in direct instruction are practiced/generalized into classroom/group activities as soon as possible.
Data is collected to assess mastery and progress is documented on an ongoing basis.
A classroom daily schedule of class activities is posted where all students and staff can see it and follow it.
The classroom schedule is consistent and predictable from day to day.
Targeted students have appropriate individual schedules which include each major transition.
There are clear and consistent signals used to indicate transitions.
Transition path is clear and easy to navigate.
No major distractions are present along the transition path.
Activities are prepared and ready for students as they reach the transition areas.
Procedures for materials storage and accessing materials are taught, reviewed, and reinforced on a regular basis.
Procedures regarding classroom boundaries (teacher's desk, storage areas, etc.) are taught, reviewed, and reinforced on a regular basis.
Routines for entering, exiting, and moving within the classroom are taught, reviewed, and reinforced on a regular basis.
Procedures for getting help, getting a drink, going to the bathroom, pencil sharpening, etc. are taught, reviewed, and reinforced on a regular basis.

Procedures for free-time and/or quiet areas are posted, taught, reviewed, and reinforced on a regular basis.
Procedures for transitions at recess, lunch, dismissal, and other predictable times are taught, reviewed, and reinforced on a regular basis.
Homework policies are reviewed and reinforced on a regular basis.
Classroom expectations are established in conjunction with students.
Classroom expectations are stated in positive language.
Classroom expectations are limited to no more than 3-5 rules.
Classroom expectations are posted, taught, reviewed, and reinforced on a regular basis.
Social praise is used at a 5 to1 “magic ratio”.
Classroom management plan is in place.
Ongoing reinforcer assessments are conducted and updated as necessary.
A variety of student selected rewards are available.
Individual token systems and behavior contracts are used as necessary.
Student motivation is kept high through frequent changes in materials/activities/learning modalities.
Staff utilize proactive strategies to manage behaviors rather than negative/punitive consequences.
Students who exhibit a pattern of behavior difficulties have behavior plans/behavior contracts.

**Appendix D - Student Appeal Form**

**Student Appeal Form**

**Student Name:** \_\_\_\_\_

**School:** \_\_\_\_\_

**Grade:** \_\_\_\_\_

**Student ID (If known):** \_\_\_\_\_

**Which consequence are you wishing to appeal:**

<input type="checkbox"/> Verbal Assault	<input type="checkbox"/> Physical Assault	<input type="checkbox"/> Fighting	<input type="checkbox"/> Theft / Damage
<input type="checkbox"/> Alcohol or Drugs	<input type="checkbox"/> Tobacco	<input type="checkbox"/> Insubordinate Behavior	<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Weapons	<input type="checkbox"/> Dress	<input type="checkbox"/> Unethical / Dishonest behavior	<input type="checkbox"/> Harassment, Intimidation, or Bullying
<input type="checkbox"/> Inappropriate Cell Phone Use	<input type="checkbox"/> Cutting Class / Skipping School	<input type="checkbox"/> ATOD violation	<input type="checkbox"/> Other

**Reasons why the school should consider your appeal:**

**Resolution:**

**What are you wanting from the appeal?**

**Who is completing this form:**  Student  Parent  Caretaker

**Signature** \_\_\_\_\_ **Printed Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*Please email or fax the completed form and supporting documents to the principal  
\*please attach any documents, pictures, and letters to complete the Appeal form*

KGBSD Elementary Code of Conduct		<b>For Office Use only</b>	28
<b>Assigned to:</b> _____		<b>Date:</b> _____	
<b>(Circle) Request Denied</b>	<b>Appeal Approval</b>	<b>Change of Consequence</b>	

## Appendix E



**Ketchikan Gateway Borough School District**  
**Discipline Plan**  
**Tier 1 Intervention**

**MINOR BEHAVIORS**

***The classroom teacher OR the attending adult handles these behaviors.  
(Using classroom management plan)***

- Teasing and/or derogatory remarks
- Inappropriate hallway behavior
- Homework incomplete
- Talking out of turn
- Disrespecting other students
- Inappropriate clothing
- Inappropriate hallway behavior
- Inappropriate use of electronic devices
- Theft of small items
- Inappropriate use of personal equipment
- Swearing
- Wandering hallways during class time
- Late for class

**MODERATE BEHAVIORS**

***These behaviors are handled initially by the classroom teacher OR the attending adult but referred to the administration if they become chronic.***

***(Using classroom management plan)***

- Defacing school property
- Cheating
- Lying (to the detriment of others)
- Inappropriate clothing
- Non-compliance
- Community or cultural slurs
- Matches/lighters
- Disrespecting the teacher's space/desk
- Skipping class

- Inappropriate touching
- Abuse of school equipment
- Tardiness
- Unprepared for class
- Chronic minor behavior

**MAJOR BEHAVIORS**

***These behaviors are immediately referred to the administration.***

- Fighting
- Physical aggression
- Severe disruptive defiance
- Off-school grounds without permission
- Vandalism
- Chronic Skipping of Class
- Smoking/Drugs/Alcohol
- Serious threat/intimidation of others
- Weapons
- Theft (serious)
- Sexual Behavior
- Sexual Harassment
- Chronic moderate behaviors
- Inappropriate internet sites
- Inappropriate representation of school (field trips, athletics, performances, etc.)

Revision Dates:

8/2011

4/2017

6/2023