

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.

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. 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 list of consequences for each offense describes the usual and customary consequences for each infraction, and subsequent infractions, and it is expected that, except in a unique circumstance, the listed consequence(s) will be utilized.
4. The age appropriateness of a particular consequence will be taken into consideration.
5. In those instances where suspension or expulsion is indicated as a consequence, re-admission of the student will be contingent upon an agreement to a contract between the student, parent/caretaker, the principal or his/her designee, and any involved law enforcement representatives. The contract may include completion of assigned class work and/or special project.
6. In those instances where parent contact or involvement is required, a caretaker may be utilized.

6. OFFENSES AND CONSEQUENCES

Verbal/Physical Assault: The consequences for verbal and physical assault are designed to provide a strong deterrent to the willful attack on any student, staff member, volunteer or other person. A student who assaults another person will not be returned to the classroom until his/her assigned consequence has been completed and may, at the discretion of the District, be re-assigned to another class, classroom or school.

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

6.1.1 First Offense - Grades 7-8:

6.1.1.1 Contact with parent/caretaker.

6.1.1.2 In-house suspension and/or suspension for a minimum of one (1) and a maximum of three (3) school days.

6.1.1.3 Submission of student's name to Student Services Team.

6.1.1.4 Conference with parent/caretaker prior to return of student to school.

6.1.1.5 Optional: Referral to proper authority

6.1.2. Second and Subsequent Offenses - Grades 7-8:

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 Submission of student's name to Student Services Team.

6.1.2.4 Conference with parent/caretaker prior to return of student to school.

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

6.2.1 First and Subsequent Offenses - Grades 7-8:

6.2.1.1 Contact with parent/caretaker.

6.2.1.2 Suspension of five (5) 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 Submission of student's name to Student Services Team.

6.2.1.5 Conference with parent/caretaker prior to return of student to school.

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

6.3.1 First Offense - Grades 7-8:

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 minimum of one (1) and a maximum of three (3) school days.

6.3.1.4 Conference with parent/caretaker prior to return of student to school.

6.3.2 Second and Subsequent Offenses - Grades 7-8

6.3.2.1 Contact with parent/caretaker.

6.3.2.2 Suspension for a maximum of five (5) school days and/or expulsion.

6.3.2.3 Submission of student's name to Student Services Team.

6.3.2.4 Conference with parent/caretaker prior to return of student to school.

6.3.2.5 Optional: 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 7-8:

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 Removal from participation in school activities until restitution is made.

6.4.1.5 Referral to proper authority.

6.4.1.6 Parent/caretaker conference prior to reinstatement.

6.4.2 Second and Subsequent Offenses - Grades 7-8:

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 minimum of three (3) and a maximum of five (5) school days.

6.4.2.4 Removal from participation in school activities until restitution is made.

6.4.2.5 Referral to proper authority.

6.4.2.6 Submission of student's name to Student Services Team.

6.4.2.7 Parent/caretaker conference prior to reinstatement.

- 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.
- 6.5.1 First Offense Grades 7-8:
 - 6.5.1.1 Confiscation of item(s).
 - 6.5.1.2 Item(s) turned over to proper authority.
 - 6.5.1.3 Contact and conference with parent/caretaker.
 - 6.5.1.4 Referral to proper authority.
 - 6.5.1.5 Submission of name of student to Student Services Team.
 - 6.5.1.6 Suspension for a maximum of five (5) school days.
 - 6.5.1.7 Optional: Recommend participation in an approved community alcohol or other drug education program.
 - 6.5.2 Second and Subsequent Offenses
 - 6.5.2.1 Confiscation of item(s).
 - 6.5.2.2 Item(s) turned over to proper authority.
 - 6.5.2.3 Contact and conference with parent/caretaker.
 - 6.5.2.4 Referral to proper authority.
 - 6.5.2.5 Suspension for five (5) school days.
 - 6.5.2.6 Completion of a special project (supervised by parent/school official) related to alcohol and/or other drugs.
 - 6.5.2.7 Continuing suspension or expulsion.
 - 6.5.2.8 Recommend parent participation in a parent-oriented chemical awareness program.
 - 6.5.3 All offenses - Selling or distributing an alcoholic beverage or any drug or drug paraphernalia; possession or use of 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.
 - 6.5.3.1 Confiscation of item(s).
 - 6.5.3.2 Item(s) turned over to proper authority.
 - 6.5.3.3 Contact and conference with parent/caretaker.
 - 6.5.3.4 Referral to proper authority.
 - 6.5.3.5 Submission of name of student to Student Services Team.
 - 6.5.3.6 Suspension for a minimum of five (5) school days up to expulsion.
 - 6.5.3.7 Recommend parent/student participation in an approved community alcohol or other drug education program.
- 6.6 Tobacco:** Smoking, possessing, selling or distributing tobacco or tobacco products.
- 6.6.1 First Offense
 - 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
 - 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.
- 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; disruption of the educational process; profane or rude behavior; throwing objects not a part of the regular school program which creates a property or safety hazard; reckless conduct which creates a risk of harm to anyone; 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.
- 6.7.1 First Offense - Grades 7-8:
 - 6.7.1.1 Removal from classroom or District-sponsored activity/athletics for a minimum of one (1) school day.
 - 6.7.1.1 In-house suspension to be determined by the administrator who will consider the seriousness and frequency of the offense.
 - 6.7.1.2 Contact with parent/caretaker.

Insubordinate Behavior (cont.)6.7.2 Second and Subsequent Offenses -Grades 7-8:

- 6.7.2.1 Removal from classroom and District-sponsored activities/athletics for a minimum of two (2) school days and maximum of five (5) school days.
- 6.7.2.2 In-house suspension and/or suspension with possible expulsion proceedings.
- 6.7.2.3 Conference with parent/caretaker.

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; 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 First Offense - Grades 7-8:

- 6.8.1.1 Conference with student.
- 6.8.1.2 Optional: Conference with student and offended party/parties.

6.8.2 Second and Subsequent Offenses - Grades 7-8:

- 6.8.2.1 Contact with parent/caretaker.
- 6.8.2.2 In-house suspension and/or suspension for minimum of one (1) school day.
- 6.8.2.3 Parent/caretaker conference prior to student reinstatement.
- 6.8.2.4 Possible referral to proper authority.
- 6.8.2.5 More stringent discipline may be imposed in view of the severity and frequency of the offense, up to and including expulsion.
- 6.8.2.6 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 Submission of student's name to Youth Services Team.
- 6.9.1.5 Suspension and/or expulsion to be determined by severity of the offense.

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.

Dress (cont.)6.11.1 First Offense - Grades 7-8:

6.11.1.1 Student is sent home to change clothes.

6.11.1.2 Parent/caretaker is contacted by phone OR (if feasible) student is directed to adjust his/her attire so as to conceal the objectionable statement.

6.11.2 Second Offense - Grades 7-8:

6.11.2.1 Contact with parent/caretaker by phone.

6.11.3 Third & Subsequent Offenses:

6.11.3.2 In-house suspension or suspension for 3-5 school days pending parent conference.

6.11.3.2 Student will be required to complete all class work prior to reinstatement; failure to do so will result in no credit for class(es) during suspension.

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 Student may be referred to the principal, who may consider any or all of the following options: Referral to a school counselor; In-house suspension for one school day; and/or 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 Student will be referred to the principal who may consider any or all of the following options: In-house suspension for 1-3 school days; referral to a school counselor; and/or 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 school6.13.1 First Offense - Grades 7-8

6.13.1.1 Contact with parent /caretaker.

6.13.1.2 In-house suspension and/or suspension for a minimum of one (1) day and a maximum of three school days.

6.13.2 Second and Subsequent Offenses – Grades 7-8

6.13.2.1 Contact with parents/caretaker.

6.13.2.2 In house suspension and/or suspension for a maximum of five (5) days and/or expulsion.

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 lays 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 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.**7.2 Make Up Work:** Students who fail to turn in homework immediately after a planned absence will receive a no credit in the record book.**7.3 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.7.3.1 15 absences

7.3.1.1 Letter sent home to parents advising them of the importance of better attendance and the potential problems if attendance limits are exceeded.

20 absences

7.3.2.1 The student may be expected to repeat his/her current grade.

Attendance (cont.)

7.3.2.2 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 will be retained in the student's record.

7.3.3 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.

7.3.4 Truancies: Truancies are classified as "Insubordinate Behavior" (Section 6.7).

7.3.5 Tardies: Any three (3) tardies will be classified as one (1) absence. Tardies are classified as "Insubordinate Behavior" (Section 6.7).

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:

8.1.1 Continued willful disobedience or open and persistent defiance of reasonable school authority

8.1.2 Behavior which is harmful to the welfare, safety, or morals of other pupils;

8.1.3 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;

8.1.4 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;

8.1.5 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 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 Section 8.1 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 Section 8.1 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 to 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 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.

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.

Due Process – Conduct of Hearing (cont.)

- 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. 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.

“Cyberbullying”: includes the transmission of communications, posting of harassing messages, direct threats, social cruelty, or other harmful tests, sounds, or images on the internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation or friendship.

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.

APPENDIX B – DEFINITIONS - *Continued*

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-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.