

APPENDIX A -- STATEMENT OF RIGHTS AND RESPONSIBILITIES

The Anchorage School District Statement of Rights and Responsibilities constitutes School Board policy on matters pertaining to students' rights and responsibilities. In any case of conflict between the Statement of Rights and Responsibilities and any other District policy or procedure, the Statement of Rights and Responsibilities shall take precedence unless specifically limited by such other Board policy.

Due Process

The constitutional rights assured to individuals includes the guarantee that no person shall be deprived of life, liberty or property without due process of law. Students are recognized as "Persons" under the constitution and a system of constitutionality and legally sound procedures has been developed for the administration of discipline in the schools.

1. The hallmark of the exercise of disciplinary authority shall be fairness.
2. Before the imposition of a disciplinary action, a student shall be given an opportunity to contest any alleged facts leading to the proposed disciplinary action and to present his or her version of the facts.

Preamble

1. A primary responsibility of the District and its professional staff shall be the development of an understanding and appreciation of our representative form of government, the rights and responsibilities of the individual and the legal processes whereby necessary changes are brought about.
2. The school is a community and the rules and regulations of the school are the laws of that community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship. Among the responsibilities of school citizenship are respecting the laws of the community and the rights of other citizens and contributing to the fulfillment of educational purposes through cooperative conduct.
3. Young people in the United States have the right to receive a free public education, and deprivation of that right may occur only for just cause in accordance with due process of law.
4. Students have the rights of citizenship as defined in the United States Constitution and its amendments; and these rights may not be abridged, obstructed or in other ways altered except in accordance with due process of law. The First and Fourteenth Amendments to the Constitution of the

United States prohibit states from unduly infringing upon the rights of speech and expression. In the school setting this restriction on state action limits the manner and extent to which schools may regulate the speech and expression of students. In order to curtail First Amendment rights, school authorities must show that the failure to do so would create a material and substantial disruption of school work and discipline.

5. Administrators and teachers also have rights and duties. The teacher is required by law to maintain a suitable environment for learning, and administrators have the responsibility for maintaining and facilitating the educational program.
6. The principal, or his or her designee, is authorized to recommend expulsion, and to suspend or discipline students for cause. The teacher has the authority to temporarily remove students from a class or discipline students for cause. The following rules, regulations and due process procedures are designed to protect all members of the educational community in the exercise of their rights and duties.
7. Students with disabilities are subject to and shall follow the rules and regulations set forth in this Statement of Rights and Responsibilities and shall be disciplined under these policies. The policies set forth in this Statement of Rights and Responsibilities shall not restrict the rights to which these students are entitled under the disability laws. Discipline under these policies shall not be in violation of the requirements of the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, or any modifications of the school's disciplinary sanctions which are set out in individual IEPs.
8. Jurisdiction: The following rules apply on campus, at school activities on and off campus, on school buses and at school bus stops. School jurisdiction also applies to acts which start on school campus and are completed off school campus. In addition, criminal acts which occur completely off campus but which have direct and immediate affect either on school decorum or the welfare, safety or morals of students fall under the jurisdiction of the school. AS 14.30.045.

Rights, Responsibilities and Limitations

Any conduct prescribed by the following statement of rights, responsibilities and limitations shall be subject to appropriate corrective action from simple discipline to expulsion:

1. Criminal acts: The following acts are among those crimes defined in detail under the laws of the State of Alaska. This list is not exclusive and a student convicted of a felony may be suspended or denied

admission if the attendance of the student is determined to be against the welfare or education of other pupils. AS 14.30.045

Aiding and abetting - Assisting in the commission of a crime, with the result of being held criminally responsible for all crimes committed by others during the commission of the crime. AS 11.16.100-130

Arson - Damaging any property by intentionally or negligently starting a fire or causing an explosion, or attempting to start a fire or cause an explosion. AS 11.46.400- 450

Assault - Physically injuring or threatening to physically injure another person. AS 11.41.200-230

Attempt - Preparation to commit a crime followed by a direct act in furtherance of its commission constitutes a substantial step toward the commission of a crime.

AS 11.31.100

Burglary - Entering unlawfully or remaining unlawfully with intent to commit a crime. AS 11.46.300-315

Criminal impersonation - Assuming a false identity and then engaging in conduct with the intent to defraud, or facilitating a fraud to be committed by another.

AS 11.46.570

Criminal mischief - Willful property damage, tampering, or interfering with property rights. AS 11.46.480-486

Extortion or blackmail - Obtaining money, property, or actions by violence or threat of violence or untrue accusations or public ridicule. AS 11.41.520-530

Forgery - Falsely making or altering a written instrument or knowingly possessing a forged instrument. AS 11.46.550

Reckless endangerment - Engaging in conduct which creates a substantial risk of serious physical injury to another person. AS 11.41.250

Robbery - Stealing from the person or another by force or threat of force. AS 11.41.500-510

Sale, use, or possession of alcohol or illegal drugs, or sale or misuse of prescription drugs *

AS 4.16.050-060, 4.16.080, 11.71.010-060, 17.13.080

* The school official in charge shall immediately remove from contact with other students anyone under the influence of alcohol or drugs and thereupon shall contact the parent/guardian and law enforcement officials.

Smoking - Students are not permitted to smoke on school property. Using, giving, selling, or possessing cigarettes or other tobacco products is prohibited. AS 11.76.100-105

Soliciting - Soliciting another to commit a crime and being held legally accountable for the commission of the crime. AS 11.16.110

Trespass - Presence on another's property without permission and/or refusal to leave another's property upon request. AS 11.46.320-330

Theft - Theft without force or violence against another person. AS 11.46.100-220

The commission of, or participation in, any criminal activity in school buildings, on school property, on school buses and at school bus stops, at school activities on and off campus, and acts which occur completely off campus but which have direct and immediate effect either on school decorum or the welfare, safety or morals of students is prohibited. Disciplinary action may be taken by the school regardless of whether or not criminal charges or prosecution result.

2. Weapons and firearms: Students shall not carry on their person, or place anywhere on school property, or in the vicinity of a school sponsored event, any firearms or other weapons, except as assigned to students for, and used during, a regular course of instruction. However, if in a regular course of instruction or during an authorized activity, a weapon is used in an unauthorized manner, the student will be in violation of this provision. Students found with any firearms* while subject to the jurisdiction of the school are subject to expulsion and arrest. Students found with weapons, or look-alike weapons of

any kind, while subject to the jurisdiction of the school are subject to suspension or expulsion, and arrest.

Weapons include, but are not limited to, firearms*, pellet and BB guns, air guns, spring guns, zip guns, stun guns, shockers, bombs or other explosives, poison, dangerous or deadly gas, slingshots, bludgeons, throwing stars, knives, clubs, brass knuckles or artificial knuckles of any kind, numchucks and throwing weapons.

* A "firearm" is defined as: (1) 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; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. A "destructive device" is an explosive, incendiary, poison gas, bomb, grenade, rocket, missile, or any other similar device. 18 U.S.C. § 921.

3. Attendance: Daily attendance of all who are enrolled in the District schools is required in accordance with State law and School Board rules. Students will attend regularly scheduled classes unless officially excused.
4. Disruptive conduct: Disruptive behavior and/or appearance which interferes with the normal school program, the educational process, or the lawful activities of others is prohibited.
5. Cooperation with school personnel: Students must obey the lawful instructions of all school district personnel.
6. Self identification: All students in school buildings, on school grounds, or at school-sponsored events must, upon request, identify themselves to authorized school district personnel or their designee.
7. Off-campus events: Students at school-sponsored off-campus events shall be governed by school district rules and regulations and shall be subject to the authority of school district personnel.
8. Discrimination and harassment: It is the policy of the District to maintain a learning and working environment that is free from discrimination, harassment, hazing, and related violence. A learning environment must be structured to reflect diverse cultural traditions and contributions. The District has zero tolerance for any behaviors that ridicule, harass, intimidate, or otherwise threaten students, staff, or community members. Discrimination and harassment of employees

and students will not be tolerated in the School District. School District includes School District facilities; School District premises, and non-school property if the student or employee is at any school-sponsored, school-approved, or school-related activity or function, such as field trips or social and athletic events where students are under the control of the School District or where the employee is engaged in school business.

It shall be a violation of this policy for any student to harass another student or an employee through conduct or communication of a discriminatory or sexual nature as defined by this policy.

It shall be a violation of this policy for any student to be sexually violent to a fellow student or to an employee.

The District will act to investigate all complaints, either formal or informal, verbal or written, of discrimination, sexual harassment, or violence and to discipline any student or employee who discriminates against or sexually harasses or is violent to a student, employee, or community member.

A false or frivolous accusation made under this policy shall result in disciplinary action.

a. Discrimination defined

Discrimination is the display of prejudice towards others. A student will be in violation of this non-discrimination policy if he or she:

- c. Makes demeaning remarks directly or indirectly, such as name-calling, racial slurs or "jokes," or physically threatens or harms an individual on the basis of race, color, religion, national origin, sex, disability, or physical appearance;
- d. Displays visual or written materials or defaces property or materials which demeans the race, color, religion, national origin, sex, disability of an individual group, or physical appearance;
- e. Damages, defaces, or destroys private property of any person because of the person's race, color, religion, national origin, sex, disability, or physical appearance.

b. Harassment and sexual harassment defined

Harassment: Harassment is a single act or a course of conduct directed at an individual or a group that serves no legitimate purpose other than to annoy, alarm, or abuse that person or group due to their race, religion, national origin, age, disability, gender, or physical appearance.

Sexual Harassment: Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either expressly or impliedly, of obtaining or retaining employment or of obtaining an education;
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an individual's employment or education or participation in other school activities;
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Examples of sexual harassment include, but are not limited to, the following:

- verbal harassment or abuse;
- subtle pressure for sexual activity;
- inappropriate patting or pinching;
- intentional brushing against a student's or employee's body;
- demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
- any sexually motivated unwelcome touching; or
- sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose.

c. Reporting Procedures

Students who believe they have experienced an act of harassment by another student or an employee should report the matter immediately to a trusted staff member and then to their principal or designee. The school principal or designee shall investigate the issue and advise the EEO/AA Office. In addition, the students may also report the incident to the EEO/AA Office directly, or to an outside agency; i.e., the Municipality of Anchorage Equal Rights Commission, the Ombudsman, the State of Alaska Human Rights Commission, the U.S. Equal Employment Opportunity Commission, or the office for Civil Rights.

9. Prohibited Organizations and Groups

- a. Groups which initiate, advocate, or promote activities which threaten the safety or well being of persons or property at school or at school activities are determined to be detrimental to the education program of the school are prohibited. Apparel, jewelry, accessory or grooming which implies or indicates that a person is a member of a prohibited group is prohibited at school or at school activities.
- b. Participation in activities such as initiation, hazing, intimidation or activities designed to create group affiliation that can cause bodily danger, physical harm or mental or emotional harm, are prohibited.
- c. Persons who display symbols of prohibited groups or who participate in activities identified with prohibited groups or who participate in activities which intimidate another student are subject to disciplinary action.
- d. Groups that behave in the manner described in this section will be defined as gangs. Gang behavior is prohibited at school and school activities.
- e. Inservice training will be provided as required to develop staff skills. Schools' staff will promote participation in authorized school activities as a positive alternative to membership in these groups.

10. Freedom of speech and assembly:

- a. Students are entitled to express verbally their personal opinions in a manner that does not interfere with the freedom of others to express themselves. Obscenity and slander are prohibited.
- b. Students have the freedom to assemble peacefully. There is an appropriate time and place for such assemblies. Meetings of school-sponsored organizations on school property shall be conducted at times and places approved by the principal or his/her designee. Conducting demonstrations or meetings which interfere with the educational process or the lawful activities of others is prohibited.

11. Freedom of symbolic expression:

- a. Student dress code: It is the goal of the District to ensure that every student has a safe environment in which to learn. Each student shall attend school clothed in a manner which is clean, not hazardous to the safety of him/herself or others, and which does not detract from the educational environment. Clothing worn by students that in the reasonable opinion of the school administration is inappropriate is forbidden. Such clothing includes:
 - clothing which promotes gang affiliations;
 - clothing which promotes violence or the use of tobacco, drugs, alcohol or weapons;
 - clothing which is revealing, or which has comments or designs that are obscene, lewd, or vulgar;
 - clothing that presents a hazard to the student's safety or the safety of others;
 - clothing that causes distractions or inhibits the learning process.

Your individual school may have other school rules/prohibitions that are age appropriate. These school rules/prohibitions for clothing will be listed in your student handbook. Students who do not follow the rules will be excluded from school until such time that they cease wearing the clothing or items to school or school events.

- b. Buttons and armbands: Students may wear or display buttons, armbands, flags, decals and other badges of symbolic expression, unless the manner of expression materially or substantially interferes with the orderly process of the school or the rights of others. Items that are associated with gangs are deemed in and of themselves to substantially interfere with the orderly process of the school.
- c. Patriotic assembly: A student may abstain from the pledge or salute if he/she desires.

12. Freedom to publish:

- a. Generally, the restrictions and regulations governing responsible journalism*, as defined by the American Society of Newspaper Editors, should be applied to District student publications with the clear understanding that school officials have the authority, indeed the duty, to provide for an ordered educational atmosphere free from constant turmoil and distraction. Material which promotes gang activity is prohibited. (Note School Board policy 490.1 Student Publications)

Prohibited material: Material which is libelous or violates the rights of privacy; obscene according to community standards; profane or vulgar slang language which would not be used by the local newspapers; advocating the breaking of school policy or law; critical, demeaning or attacks on any race, religion, sex, disability or ethnic group; commercial solicitation for products, i.e., cigarettes, alcohol, drugs, or any product prohibited for any person 18 years of age or younger; endorsements or solicitations regarding partisan causes, political candidates or ballot measures of a nature that it would cause a disruption of the school. (Note School Board policy 490.14)

- b. Students are entitled to express in writing their personal opinions but are expected to exercise responsibility and good judgment. The distribution of such material may not interfere with or disrupt the educational process. A written expression of opinion must be signed by its author except that editorials representing a newspaper position may be printed without signature if all members of the editorial board are identified

elsewhere on the paper. (Note School Board policy 490.13)

- c. Students have the right to distribute leaflets, newspapers, and handbills at times and places as determined by the school principal or his/her designee. The students who edit, publish or distribute such leaflets, newspapers, and handbills among their fellow students assume the responsibility for the content of such publications. The school principal or his/her designee shall be entitled to predistribution examination of materials to determine whether these materials would disrupt the orderly educational process.

Non-school publications being distributed on school property may be seized by the school principal or his/her designee who has reasonable cause to believe that such publications contain libelous or obscene material. Seized publications must be returned to the student or made available to the parent/guardian at the end of the school day.

* Copies of the Canons of Journalism are available in the school office and the school library.

- d. Commercial solicitation not authorized by the Superintendent or designee will not be allowed on school property at any time. An exception to this rule will be the sale of non-school-sponsored student newspapers published by students of the school district. Non-school newspapers may be distributed only at times and places as determined by the school principal or his/her designee.
- e. Students have the right to do necessary research for articles, including public opinion polls, and shall have the responsibility not to abuse that right. Polls shall be authorized by the school principal or his/her designee if they interrupt class time, and the school principal or his/her designee shall be informed of polls taken during students' free time in school.

13. Search and seizure: The following rules shall apply to search and seizure pertaining to students and school property assigned to them (e.g., lockers, desks):

- a. All searches, based on individualized suspicion described in this section, should take place in the presence of the student and

a third person, if each, respectively, can be located. The search will be conducted in a respectful, organized manner which shows respect for the student and their possessions.

b. Lockers and desks:

Random Searches: The school administration retains control over lockers and desk space loaned to students. The District retains the right to conduct random searches of student lockers or desk space at any time. All lockers and/or desks may be searched, or a smaller number chosen by random selection may be searched. Notices of the right of District to conduct this type of search are posted in prominent locations in your school. In addition, students will be notified at least once each semester that such searches will be conducted at the discretion of the school principal. The District may or may not, at its discretion, give prior notice that a random search will take place. The purpose of such a search is to determine student compliance with school regulations, and local, state, and federal laws. The search will not be more intrusive than reasonably necessary to meet the objectives of the search. (AS 14.03.105) The search will be conducted in a respectful, organized manner showing respect for the student and their possessions.

Searches of Lockers and Desks Based on Reasonable Cause: The school principal or his/her designee has the right and duty to inspect and search a student's locker and desk, if there is reasonable cause to believe, upon information received from the police or otherwise, that drugs, weapons, dangerous, illegal, or prohibited matter, or goods stolen from the school or from members of the staff or student body, are likely to be found within the area searched. Reasonable cause to search will exist when, based on all the facts and circumstances known to the person, there is cause to believe that the search will turn up evidence that the student has violated or is violating the law or the rules of the school. No search based on individualized suspicion shall be conducted without attempting to secure the permission of the person possessing the property to be searched, except if the suspected possession poses threat to life or property.

c. Automobiles: The school principal or his/her designee may search automobiles which are parked on school grounds if

he/she wishes to establish whether drugs, alcohol, weapons, dangerous , or illegal matter, or goods stolen from members of the staff or student body are found therein. All students utilizing the privilege of parking on school grounds have consented to such a search under the terms and conditions of their Parking Permits. All student vehicles parked on school grounds, whether or not a permit has been obtained, may be searched when there is reasonable cause to believe that the items described immediately above may be found therein.

- d. Possessions and outer garments: The school administration has the authority to inspect and search the possessions (e.g., purses, gym bags, instrument cases) and outer garments (e.g., jackets, coats, shoes or boots) of students when the school principal has reasonable cause to believe that drugs, alcohol, weapons, illegal or dangerous materials, or stolen goods are likely to be found. A search may be conducted if a school official has reasonable cause to believe that a violation of a school rule or local, state, or federal law has taken place. No probable cause or warrant is required before a search may be conducted. Any such search must be conducted in private by the school principal or an assistant principal, and witnessed by a staff person. School authorities will make a reasonable effort to contact the student's parent/guardian by telephone to obtain his/her consent prior to the search; parents/guardians will be given reasonable opportunity to be present during the search. Searches will be limited to the examination of the contents of a student's possessions and outer garments, although a student may be requested to empty pockets of all contents.
- e. Search of a student's person: Should an administrator have reason to believe that a student has drugs, weapons, illegal or dangerous materials, or stolen goods concealed on his/her person, the administrator may conduct a search of the student's person. No such search may be undertaken unless, in the administrator's judgment, there is adequate information based on direct observation by school personnel or reliable information from third parties, that a student is likely to have prohibited material on his/her person.

Prior to commencing a search of a student's person, the student must be told the nature of the information against him/her, and reasonable efforts must be made by school authorities to notify

the student's parent/guardian by telephone and permit the parent/guardian the opportunity to be present. The student, or the student's parent/guardian if present, will be asked for consent, the nature of the search will be specified, the rights of the student, and the possible consequences faced by the student will be explained. If consent is refused, the search procedure will be immediately halted, and the matter turned over to the police.

Initial searches of a student's person shall be confined to a pat-down search unless the student specifically requests that the search proceed with the removal of garments rather than a pat-down search. Male students will be searched only by men and female students only by women. During such a search, procedures to assure the privacy and dignity of the student will be followed.

Should a pat-down search provide reasonable cause to believe that the student has prohibited material concealed upon his/her person, the student will be requested to surrender the materials. If the pat-down search does not reveal any prohibited material, but based on information received, the administrator continues to have reasonable cause to believe there is a strong likelihood that prohibited material is concealed upon the student's person, the administrator may request the student to remove or adjust clothing to the degree necessary to ascertain whether the student does in fact possess prohibited material. Any such search will be conducted with the utmost respect for the student's privacy and dignity.

Should a student, or student's parent/guardian, at any point refuse permission to continue a search, the school authorities will immediately discontinue the search procedure. The student, and parent/guardian, will be informed that unless permission is granted to continue the search, the matter may be turned over to law enforcement officials. Should permission still be withheld, the student will be placed in a supervised area and the police called.

- f. Emergency exception: For all types of searches described above, when an administrator has reasonable cause to believe, on the basis of information provided through direct observations by school personnel or others, that a student possesses any weapon

or dangerous material which poses an imminent threat to life or property, he/she may authorize an immediate search of the student's person or possessions. In such a case, the student's parent/guardian will be notified by telephone of the search as soon as possible. No physical force may be applied during any search of the student unless there is an immediate threat of imminent danger to persons or property.

- g. Seizure and surrender of items found: Unlawful, prohibited, or stolen matter found during the search may be turned over to the police and/or used in school disciplinary proceedings. Items which are used to disrupt or interfere with the educational process may be seized temporarily by school authorities. Such items shall, upon request, be returned to the student or parent or guardian at the end of the school day.

Illegal items (tobacco, alcohol, drugs, firearms, weapons) or other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities and at the discretion of the school principal, or his or her designee, may be turned over to the police authorities.

All legal items seized shall, upon request, be made available to the parent or guardian or the student at the end of the school day.

14. Student surveys:

The District may conduct or administer surveys of students for the purposes of study, the improvement of education, or class assignment. No survey or questionnaire that inquires into private family affairs of the student not a matter of public record or subject to public observation will be administered, whether anonymous or not, unless written permission is obtained from the student's parent or guardian (AS 14.03.110). Other questionnaires or surveys may be administered to students without parental consent, except for certain federal surveys as described below.

Federal Surveys: No student may be required, as part of any program administered by the Secretary of Education, to submit to a survey, analysis, or evaluation which inquires into the following areas unless prior written consent is obtained from the parent [20 USC 1232 (h)]:

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or the student's family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program); or
- (8) private family affairs as prohibited by state law.

The District will make available for inspection to interested parents or guardians any instructional or other supplementary materials which will be used in connection with any survey, questionnaire, or evaluation.

Surveys or questionnaires not seeking information in the categories described above may be administered to students without parental consent.

Information gathered in student surveys may be disclosed to organizations conducting studies to develop, validate, or administer predictive tests; administer student aid programs; or to improve instruction. This information may be disclosed without parental consent provided: 1) the study is conducted in a manner that does not permit personal identification of parents and students to individuals other than those conducting the study; and 2) the information is destroyed when no longer needed for purposes of the study. (Section 14 — Revised 9/28/98)

Types of Sanctions/Disciplinary Actions

1. Simple discipline: Any disciplinary action against a student other than suspension or expulsion. No simple disciplinary action shall be taken in such manner as to prevent a student from accomplishing specific academic grade, level, or graduation requirement, provided that credit may not be granted for irregular attendance as described in the Secondary and Middle Level Administrative Manual. Simple disciplinary actions may include the denial of the privilege to participate in school sponsored extracurricular programs, social events

and senior graduation ceremony. A student can be subject to such simple disciplinary sanctions in addition to suspension or expulsion.

Prior to the imposition of simple disciplinary action, the student will be given written or oral notice of the charges against him/her, and if he/she denies them, an explanation of the evidence the administrator has, and an opportunity to present his/her side of the case will be granted. This explanation and opportunity to present facts may occur immediately after notice of the charges is given to the student.

When simple discipline involves the denial of the privilege to participate in extracurricular programs, social events and senior graduation ceremony: The school principal shall endeavor to notify the parent/guardian of the student by telephone of the pending charges against the student prior to imposition of this type of simple disciplinary action. The decision of the school principal will be provided in writing to the student and his/her parent/guardian. Simple discipline involving the denial of the privilege to participate in extracurricular programs, including senior graduation ceremony, may be appealed as set forth in Section 5 below.

2. Short-term suspensions: Denial, without a formal hearing, of the right of school attendance either from a single class or any full schedule of classes for a limited period of time not to exceed five (5) school days.
 - a. Short-Term Suspension: A short-term suspension is a suspension ordered for any reason by the school administrator where the disciplinary action will not exceed five (5) school days.
 - b. Prior to a student being placed on short-term suspension, the student must be given written or oral notice of the charges against him/her, and, if he/she denies them, an explanation of the evidence the administrator has, and an opportunity to present his/her side of the case. This explanation and opportunity to present facts may occur immediately after notice of the charges is given to the student.
 - c. Notice to Parent/Guardian: The school administrator shall endeavor to notify the parent/guardian of the student of the pending suspension by telephone and in writing. The student and/or his or her parent/guardian shall be provided written and/or oral notice of the suspension prior to the time the suspension is to commence, unless notice is not possible prior to

suspension because the student's presence poses an immediate or continuing danger to him/ herself or other persons or property, or an ongoing threat of disruption of the academic process.

A student may appeal a short-term suspension under the process set forth in Section 5 below. The short-term suspension will be enforced immediately and the student shall remain away from school unless or until an informal hearing is requested. Upon receipt of a hearing request, the suspension will be delayed and the student shall be allowed back in school pending the informal hearing, except as set forth in Section 5 below.

- d. A student on short-term suspension is encouraged to contact his or her teachers regarding daily class reading and assignments. A student will be allowed to complete, for credit, class work and assignments missed during the short-term suspension.
3. Long-term suspensions: Denial of the right of attendance from any single class or any full schedule of classes for a stated period of time greater than five (5) school days. The following limitations shall apply to all long-term suspensions:
 - a. No student shall be suspended from an elementary school for more than forty-five (45) consecutive school days.
 - b. No student shall be suspended from a secondary school for more than ninety (90) consecutive school days.
 - c. A student on long-term suspension is encouraged to contact his or her teachers or counselor regarding daily class reading and assignments. However, a student on long-term suspension is not allowed to make up graded work which is handed in or completed during class.

When the school administrator, the Superintendent, or their designee, recommends long-term suspension, a written notice shall be delivered by mail or in person to the student and his or her parent/guardian. An attempt at telephonic notification will also be made. This notice shall state:

1. the specific charges against the student; and

2. the student's right to a hearing;
3. the recommended sanctions.

For students experiencing disabilities, the written notice shall also include a copy of the Parents' Rights Handbook; and, as soon as possible, a Multidisciplinary Team meeting will be held to determine if the student's behavior is related to the disability.

Within five (5) school days of receipt of this notice, the student and/or the student's parent/guardian may request a hearing in writing. If a request for hearing is not received within the five (5) day period, the student and his or her parent/guardian shall have waived his or her right to a hearing. If a hearing is requested, it shall be held as promptly as possible after receipt of the request, pursuant to the procedures set forth in Section 6 below. The long-term suspension will be enforced immediately and the student shall remain away from school unless or until a hearing is requested. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the suspension pending the hearing, except as set forth in Section 6 below.

1. **Expulsion:** The denial of the right of school attendance, either from a specific school or from the District, for an indefinite period of time. No student shall be expelled unless other means of correction have failed or would not be adequate in bringing about proper conduct. In addition, the matter of an expelled student's further education shall be referred to the appropriate Instructional Division Executive Director.

When the school administrator, or the Superintendent, recommends expulsion, a written notice shall be delivered by mail or in person to the student and his or her parent/guardian. An attempt to make telephone notification will also be made. This written notice shall state:

1. the specific charges against the student; and
2. the student's right to a hearing;
3. the recommended disciplinary actions.

For students experiencing disabilities, the written notice shall also include a copy of the Parents' Rights Handbook; and, as soon as possible, a Multidisciplinary Team meeting will be held to determine if the student's behavior is related to the disability.

Within five (5) school days of receipt of this notice, the student and/or the student's parent/guardian may request a hearing in writing. If a request for hearing is not received within the five (5) day period, the student and his or her parent/guardian shall have waived his or her right to a hearing. If a hearing is requested, it shall be held as promptly as possible after receipt of the request, following the procedures set forth in Section 6 below. The student shall remain away from school until a hearing is requested. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the expulsion, pending the hearing, except as set forth in Section 6 below.

Students expelled from other school districts, as well as from the Anchorage School District, may apply for admission or readmission to the Anchorage School District by written application to the Anchorage School Board.

1. Students must apply in writing and must document that they have met the conditions for return required by the Anchorage School District.
2. Additional conditions and requirements may be set for admission at the discretion of the Superintendent, his designee, or the School Board prior to consideration for admission by the School Board.
3. Upon admission to school, written conditions related to placement and attendance will be formulated. Continued permission to attend school will depend on adherence to these written conditions.
5. Appeal procedures for short-term suspensions and simple discipline: NOTE: These appeal procedures apply to short-term suspensions and all simple discipline except the denial of participation at a student's senior graduation ceremony. Simple discipline prohibiting a student's attendance at graduation may be appealed under the procedures set forth in Section 6 below.

After notification of the short-term suspension or simple discipline, the student or his/her parent/guardian may request an informal hearing. The request shall be in writing. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the suspension, pending the informal hearing. However, a student will not be allowed back in school or allowed

to participate in school related activities pending a hearing if, in the judgment of the school principal, the presence of the student poses an immediate or continuing danger to himself or herself, other persons or property, or is an ongoing threat of disruption to the educational process. Failure to submit a written request for a hearing until after the completion of a suspension shall constitute a waiver of any right to such a hearing.

The hearing shall be held as soon as possible after receipt of the written request and shall be before an individual or discipline committee other than the individual who imposed the suspension. No persons other than the student, the parents/guardians, and the individual who imposed the suspension may attend the hearing. However, the individual designated to hold the hearing may, in his/her sole discretion and considering issues of confidentiality, allow other persons to be present as requested by the student or administration. In addition, the individual holding the hearing may allow those with knowledge of facts relevant to the suspension/simple discipline to attend the hearing to describe their knowledge of the facts. The decision of the designated individual will be announced in writing within one (1) school day after the hearing ends and shall be final. There is no right of appeal to the School Board.

A disciplinary action of simple discipline may be combined with a long-term suspension or expulsion. In such instances, the disciplinary actions are treated as separate and distinct and the simple discipline may only be appealed under the informal appeal procedures provided for in this section. This does not limit the right of a student to request a formal hearing for a long-term suspension or expulsion which is imposed in addition to the simple discipline.

6. Hearing and appeal procedures for long-term suspensions, expulsions, and simple discipline prohibiting attendance at a student's senior graduation ceremony:

- a. Imposition of discipline pending a hearing and appeal: If a student and/or the student's parent/guardian requests a hearing in writing within five (5) school days, the suspension or expulsion shall be delayed pending the hearing and the student may return to school. However, the long-term suspension or expulsion shall not be delayed pending a hearing if, in

the judgment of the school principal, the presence of the student poses an immediate or continuing danger to him or herself, other persons or property, or an ongoing threat of disruption of the educational process. In such instances, the student shall remain out of school, and related school activities, pending the hearing and appeal process.

- b. **The Hearing Officer:** The Hearing Officer shall be appointed by the Superintendent or his designee and shall conduct the hearing in accordance with these rules.
- c. The following procedural guidelines shall govern the hearing:
 - (1) The parent/guardian/student may be present at the hearing and the student may be represented by legal counsel or other spokesperson/advocate.
 - (2) Prior to the hearing, the District will provide to the student all documentary evidence upon which it intends to rely.
 - (3) Both the student and the District shall have the opportunity to present their versions of the relevant facts, submit the evidence upon which they rely, and question witnesses. The student shall be allowed to observe all evidence offered against him or her. However, the District shall not be required to reveal the names of student witnesses or require student witnesses to testify where to do so would subject them to a risk of retaliation or harm. In addition, consistent with federal and state law, the District shall not disclose the contents of other student's records where such disclosure has not been authorized by the student's parent/guardian, or by the student if at least 18 years old.
 - (4) The hearing need not be conducted according to technical rules relating to evidence and witnesses. All relevant, not unduly repetitious, evidence shall

be accepted.

- (5) All witnesses presenting testimony before the hearing officer shall be sworn to testify truthfully.
 - (6) The hearing authority shall make his/her determination solely upon the evidence presented at the hearing.
 - (7) A tape-recorded record shall be made of the hearing by the District.
 - (8) Within three (3) school days after completion of the hearing, the hearing officer shall provide a written decision upholding, modifying, or rejecting the recommended long-term suspension or expulsion. The student and his/her parent/guardian shall be provided a copy of the decision within five (5) school days after completion of the hearing.
 - (9) If the Hearing Officer upholds or modifies a long-term suspension or expulsion, so that suspension time remains, the suspension will be enforced immediately upon receipt by the student and parent/guardian of the Hearing Officer's decision. However, the student shall be entitled to return to school if the student or his or her parent/guardian appeal the decision under the procedures set forth in Section 6(d) below. Nevertheless, where the presence of the student poses an immediate or continuing danger to him or herself, other persons or property, or an ongoing threat of disruption to the educational process, then the student's suspension shall not be delayed pending an appeal.
- d. The student and his/her parent/guardian shall have five (5) school days after receipt of the written decision to appeal the decision to the School Board. The request for appeal must be in writing. The letter must describe the reasons for appealing directly to the Board. The letter must be based on either a substantial and

significant misunderstanding of the facts or that the student was not given due process as specified in this document.

- e. The following procedural guidelines shall govern an appeal to the School Board:
 - (1) The Board or its designee will schedule and hold a meeting to review the matter as promptly as possible after the receipt of such an appeal. The Board shall notify the student and his/her parent/guardian at least three (3) school days prior to the scheduled meeting.
 - (2) At that time, the student, his/her parent/guardian or spokesperson shall have the right to present oral and/or written argument. Consideration by the Board will be restricted to evidence in the record submitted during the hearing, although the Board may consider, in its sole discretion, any new relevant evidence not available at the time of the hearing.
- The Board, in deciding the appeal, shall consider:
- (a) Whether the decision was arbitrary or capricious;
 - (b) Whether the decision was supported by substantial evidence in the record; and
 - (c) Whether the disciplinary action was fair and reasonable in light of all circumstances.
- (3) The Board, or its designee, shall issue a written decision within five (5) school days after the meeting. The student and his/her parent/guardian shall be provided a written copy of the decision, which shall be final and binding.
- f. Application for re-admission: In no circumstances shall either a long-term suspension or expulsion prevent a student from submitting an application for re-admission prior to the termination of the sanction.

Applications for re-admission shall be submitted to the Superintendent. (Revised 6/97)