

**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.

### **Students Experiencing Disabilities**

Services: The Anchorage School District provides comprehensive educational services through the Special Education Department to all eligible children ages 3-21 who experience disabilities and have additional needs beyond those which generally can be met by the regular classroom program. A student may qualify for services under two federal laws, the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. The special education programs for these children are cooperatively developed by an Individualized Education Plan Team including the parent as a contributing member of the team. These teams make every effort to provide an appropriate special education program to meet the unique needs of each eligible child in a setting in his/her regular classroom or other appropriate placement. In addition to providing the necessary special education services, related services such as speech therapy, which may be necessary to the student's school success, are provided as an integral part of the child's school program. The Anchorage School District also provides an individualized education plan for each gifted student as appropriate. For more information regarding evaluation and eligibility for special education or gifted services, your rights under federal and state law, or other programs serving

individual needs, please contact the Anchorage School District Special Education Department or your school principal.

***Discipline:*** This Statement of Rights and Responsibilities will be enforced fairly and uniformly without regard to race, ethnicity, national origin, sex, or disability. Students with disabilities are subject to the same grounds for discipline which apply to students without disabilities. However, students with suspected or identified disabilities may have additional rights relating to discipline and continuing services. The scope of these rights vary depending upon the nature of the violation of school rules and the specific discipline proposed. The policies set forth in this Statement of Rights and Responsibilities will not restrict the rights to which students with disabilities may be entitled under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, or any modifications to the District's disciplinary rules which are set out in individualized educational or behavioral plans. If you are a student with disabilities who is subject to discipline, and the discipline proposed entitles you to certain rights and procedures under the disability laws, a copy of these additional rights will be provided to you and your parents. You may also obtain a copy of these rights from the Anchorage School District Special Education Department or your school principal. (Adopted – 6/14/99)

### **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 campus, or to acts which begin off campus and continue on campus, including acts that occur while coming either to or from school. In addition, criminal acts which occur completely off campus but which have direct or immediate effect either on school decorum or the welfare, safety or morals of students fall within the jurisdiction of the school. AS 14.30.045. (Revised 6/14/99)

### **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. No system of rules can provide for every situation and the District may prohibit and discipline other offenses not specifically addressed which interfere with the education or safety of students.

#### **A. Student Behavior / Prohibited Conduct**

##### **1. Accessory to an Act**

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Students may not act as an accomplice or in any way aid, assist, or sanction the preparation, instigation, commission or aftermath of a punishable act.

Students with knowledge or information regarding potential criminal or violent acts to be committed at school should immediately report such information to a teacher, counselor, school administrator, or other school employee.

2. Arson

Students may not intentionally or negligently damage or attempt to damage property by the setting of fire, the causing of an explosion, or the attempted starting of a fire or explosion.

3. Attempt

A student is subject to discipline for his or her attempt to commit a punishable act, even if that attempt was not ultimately completed or successful.

4. Attendance

Daily attendance of all who are enrolled in the District schools is required in accordance with municipal and state law and School Board rules. Students will attend regularly scheduled classes unless officially excused.

5. Before and After School Restrictions

Schools cannot permit students to remain on school grounds before or after the regular school day unless those students are directly involved in a supervised, sanctioned school activity. Students must arrive at school and be picked up from school at times established by the principal. Students who are on school property at an unauthorized time may be trespassing.

6. Cooperation with School Personnel

Students must obey the lawful instructions of all school district personnel. Refusal to comply with a reasonable request by a staff member is willful disobedience and is prohibited.

7. Criminal Acts

The commission of, or participation in, any criminal activity while under the jurisdiction of the school is prohibited. Criminal acts are defined in detail under the laws of the State of Alaska. Disciplinary action may be taken by the school regardless of whether or not criminal charges or prosecution result. The District may find a violation of District policy and is not bound by the criminal elements of a specific crime as identified in state law. A student convicted of a felony, whether or not committed while under the school's jurisdiction, may be suspended or denied admission if the attendance of the student is determined to be detrimental to the welfare or education of other pupils.

8. Dangerous or Disruptive Materials/Objects

Materials or objects that jeopardize the safety and/or welfare of people under school jurisdiction, or which disrupt the educational mission, are prohibited. These include Mace, pepper spray, bear spray, chemicals or chemical products, caps, bullets, laser pens or pointers, and other potentially dangerous or disruptive items.

9. Discrimination and Harassment

The Anchorage School District affirms the right of all students and employees to pursue their education or occupation with dignity in a safe environment. 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.

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~~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 and/or harassment, ~~sexual harassment, or violence and to~~ The District will 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 and Harassment Defined:

Discrimination: Discrimination is the display of partiality or prejudice towards others.

Harassment: Harassment is a single act or course of conduct directed toward an individual or group that serves no legitimate purpose other than to annoy, alarm, torment, or abuse that person or group.

~~A student~~ An individual will be in violation of this ~~non-~~ discrimination and/or harassment policy if he or she:

- (1) 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;~~
- (2) Physically threatens or harms an individual; or
- (~~2~~ 3) Displays visual or written materials or defaces, damages, or destroys property or materials; or which demeans the race, color, religion, national origin, sex,

~~disability of an individual group, or physical appearance;~~

- (4) Performs any other act that is clearly discriminatory or harassing in nature;

because of the person's race, creed, gender, national origin, age, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation.

- ~~(3) 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; or
- (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; or
- (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.

e.b. Reporting Procedures

Students who believe they have experienced an act of harassment and/or discrimination 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~~ an Ombudsman, the State of Alaska Human Rights Commission, the U.S. Equal Employment Opportunity Commission, or the office for Civil Rights.

10. 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.

11. Drugs and Alcohol

The actual or attempted sale, use, or possession of alcohol, illegal drugs or inhalants, drug paraphernalia, substances designed to look like illegal drugs or alcohol, or substances purported to be illegal drugs or alcohol, while under the jurisdiction of the school is prohibited. The sale or misuse of prescription drugs or look-alike prescription drugs is also prohibited. Students who engage in these activities off campus and who then arrive at or return to school or school sponsored activities will be subject to suspension and/or expulsion. A student is also subject to suspension/expulsion if the student stops off campus on the way to or from school, or leaves campus during the day, and sells, trades, gives, or attempts to sell, trade, or give prohibited drugs/alcohol or substances purported to be drugs/alcohol.

*Cumulative Nature of Violations:* A violation of the drug/alcohol policy will constitute a prior offense which will carry over from year to year and will subject the student to greater discipline for a later violation. This rule applies as follows. Violations will constitute prior offenses which will carry over from year to year in grades kindergarten through six. Upon completion of grade six, violations occurring while in elementary school will no longer be treated as prior offenses. Violations of the drug/alcohol policy in grades seven through twelve will constitute prior offenses which carry over from year to year, subjecting the student to greater discipline for later violations.

12. Excessive Display of Affection

Students may not engage in excessive displays of affection.

13. Extortion or Blackmail

Obtaining money or property by violence, threats of violence, untrue accusations, or public ridicule is prohibited.

14. Failure to Identify Self

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. This includes identification of the student's correct name, address, and parent contact number.

15. Failure to Follow Rules

All students must comply with applicable rules. This includes, but is not limited to, classroom rules, rules for appropriate bus conduct, rules for use of the Internet and email, and rules for extracurricular activities and athletics.

16. False Alarm / Bomb Threat

Activating a false alarm or tampering with the fire alarm system is prohibited. This includes bomb threats and other threats of harm.

17. False Information (False Witness)

The presentation of information or testimony (oral or written) that is misleading, or a misrepresentation of facts, or an actual attempt to defraud, lie, or cheat is prohibited.

18. Forgery or False Impersonation

Students may not make, alter, or possess a false or forged document. Students may not assume a false identity with the intent of deceiving school personnel, other students, or members of the community, or in connection with any school district activity or function.

19. Fighting

Fighting is defined as a verbal or physical threat, instigation of violence, or actual violence in which striking, kicking, shoving, pushing and/or any other physical violence is used against another person. When two or more students are involved in any verbal or physical altercation, all parties may be subject to suspension. Active participation in a fight will result in suspension even if the second party can be demonstrated to have started the fight.

Self Defense: A student may claim self-defense only if the student acted under a reasonable belief that a defensive action was necessary to avoid injury and there were no other alternatives available, including reasonable means of assistance or retreat. The student must use the minimum force necessary to escape injury. Self-defense cannot be claimed if the harm caused by the self-

defense is disproportionate to the harm avoided. A student who was the initial aggressor or who provoked the other student's conduct may not claim self-defense.

20. Fireworks/Explosives

The possession and/or use of explosives and/or incendiary devices on school property is prohibited.

21. Inappropriate Sexual Behavior

Inappropriate sexual behaviors are prohibited. This includes, but is not limited to, departing, attempting to depart a student, indecent exposure, and entering an opposite sex locker or restroom facility.

22. Littering

It is the shared responsibility of all building occupants to maintain the appearance and safety of the facility.

23. Obscenity/Profanity

Students are to use discretion in their choice of language. Profane and/or inappropriate language and/or gestures will not be tolerated. Prohibited language includes spoken or written profanities and obscene or sexual messages (implicit or explicit).

24. 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 educational 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 and 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.

25. Radios, Tape Decks, Toys, etc.

The hall lockers are not secure enough to store portable radios, walkmans, tape recorders, beepers, cellular phones, play back devices, TV sets, or CD players. They are not allowed at school except upon prior approval of the principal. Additional restrictions may apply at your school to the possession or inappropriate use of frisbees, hackysacks, skateboards, basketballs, and other toys/game equipment.

26. Reckless or Unsafe Behavior

Actions that jeopardize the safety and/or welfare of others are prohibited.

27. Theft/Robbery

Theft, attempted theft, or possession of stolen property by students will result in sanctions. Stealing from another by force or threat of force is prohibited.

28. Smoking/Tobacco

Use, sale, or possession of tobacco in any form by students while under the jurisdiction of the school is prohibited.

29. Trespass

A student may be considered to be trespassing if he/she enters or remains on school property or school sponsored activities without permission. Any student suspended or

expelled from ASD is not allowed on any school property or at any school activity on or off school property.

30. Vandalism/Destruction of Property

Removing, misusing, destroying, defacing, or mutilating objects or materials belonging to the school, school personnel, or other persons is prohibited.

31. Weapons and Firearms

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.

32. Willful Disobedience

Students may not refuse or fail to comply with a reasonable request by staff.

**B. 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 inform 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 designee 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 may be made by school authorities to notify the student's parent/guardian by telephone and permit the parent/guardian the opportunity to be present. Attempted parental contact is not required prior to the inspection, by sight or smell, of the student's breath or part of the body normally open to public view, such as the student's hand, arm, or face. 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.

- 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 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 at the end of the school day.

**C. 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.

1. 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.

2. Freedom to Publish

- a. Generally, the restrictions and regulations governing responsible journalism, as defined by the American Society of Newspaper Editors (ASNE), should be applied to District student publication with the clear understanding that school officials have the authority and duty to provide for an ordered educational atmosphere free from constant turmoil and distraction. Material which promoted gang activity is prohibited. These rules govern all printed material and electronic media.
- 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 ASNE Statement of Principles 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. This includes the use of the school district's computer network to solicit sales or conduct business, or setting up web pages to advertise a sale or service. 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.

#### **D. Student Surveys**

The District may conduct or administer surveys of students for the purposes of study, the improvement of education, or class assignment. No student may be required to participate in a questionnaire or survey if the student objects to participation.

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Requirements for Parental Permission: In administering surveys or questionnaires in the schools, the District shall comply with state and federal laws concerning parental permission. No survey or questionnaire, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation may be administered, unless written permission is obtained from the student's parent or guardian (AS 14.03.110).

In addition, 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 permission 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; or
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).

Annual permission: Each year, the District may seek the permission of each parent/guardian for their child to participate in anonymous questionnaires or surveys. The permission will be valid for the remainder of the school year or until the parent/guardian who gave permission submits a written withdrawal of permission to the school principal.

Notice: At least two weeks prior to the administration of a questionnaire or survey, whether anonymous or not, which requires parental permission as identified above, the school shall provide each student's parent or legal guardian with written notice explaining:

1. how and where the parent may preview the survey;
2. how the survey will be administered;
3. how the survey results will be used;
4. who will have access to the questionnaire or survey; and

5. for those surveys which are not anonymous, explain that written parental permission is required before their child may participate in the particular survey, and include a permission form to be returned by the parents, with instructions that the form must be returned at least two weeks before the survey is to be administered.

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.

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 permission 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)

(Section D – Revised 8/23/99)

### **Types of Sanctions/Disciplinary Actions**

1. Simple Discipline: Any discipline 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 in-school suspension (“ISS”), 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 actions 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.

There is no right to appeal simple discipline, except that the denial of participation in extracurricular programs, including senior graduation ceremony, may be appealed as set forth in Section 6 below. Simple discipline may be combined with a suspension or expulsion. In such instances, the disciplinary actions are treated as separate and distinct and the simple discipline may not be appealed, except for that discipline involving extracurricular programs and graduation. This does not limit the right of a student to appeal a suspension or expulsion which is imposed in addition to the simple discipline.

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. 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;
- 2) the student's right to a hearing; and
- 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.

4. Expulsion: The denial of the right of school attendance for an indefinite period of time. 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;
2. the student's right to a hearing; and
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. Programs for Long-Term Suspension or Expelled Students

The School Board may offer a program to provide educational instruction and other services to students who have engaged in conduct that has resulted in long-term suspension or expulsion from their current program. The School Board shall establish

eligibility criteria for participation by any student in any such program.

~~5. Appeal Procedures for Short-Term Suspensions:~~

**Hearing and Appeal Procedures**

1. Short Term Suspensions

After notification of the short-term suspension, 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.

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

2. Long Term Suspensions, Expulsions and Simple Discipline Prohibiting Attendance at a Student's Senior Graduation Ceremony or Extracurricular Activities

- 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: A hearing officer shall be appointed by the Superintendent or designee to conduct a hearing and make a recommendation to the Superintendent or designee. The administrative hearing shall be conducted 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) Two (2) school or work days prior to the hearing, the District will provide to the student all documentary evidence upon which it intends to rely.
  - (3) Both student and the District shall have the opportunity to present their versions of the relevant facts, submit the evidence upon which they rely, and bring forth witnesses. The student shall be allowed to observe all evidence offered against him or her. Both parties may rely upon written statements by witnesses. The District shall not be required to reveal the names of witnesses 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 officer shall make his/her recommendation 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 recommendation to the Superintendent or designee to uphold, modify, or reject the long-term suspension or expulsion. The Superintendent or designee shall then make his/her determination and shall provide the student and parent/guardian with a written decision, which shall include a copy of the hearing officer's findings and recommendation, within five (5) school days after completion of the hearing.
- (9) If the Superintendent or designee 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.

APPENDIX A -- STATEMENT OF RIGHTS AND RESPONSIBILITIES

- (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.

(Statement of Rights And Responsibilities Revised 6/14/99)