

APPENDIX A - STATEMENT OF RIGHTS AND RESPONSIBILITIES

The Anchorage School District Statement of Rights and Responsibilities (Appendix A) is School Board policy. In case of conflict between the Statement of Rights and Responsibilities and other District policy or procedure, the Statement of Rights and Responsibilities governs unless specifically limited by the other Board policy. The following rules, regulations and due process procedures are designed to protect all members of the school community and the Anchorage School District in the exercise of their rights and duties. They must be implemented consistent with state and federal law.

Note: Student with disabilities refers to both students with identified disabilities and students with suspected disabilities. A student with suspected disabilities may assert the rights and protections of a student with identified disabilities. The circumstances under which a student will be deemed to be a student with suspected disabilities and the additional rights and protections under state and federal law provided to a student with disabilities are summarized in Appendix A-1.

Preamble

This policy and the rules and regulations of each school are the laws of that school community. Students, parents and staff all have responsibilities as members of a school community. Each must, to the extent consistent with state and federal law, do the following:

1. Respect and follow the laws of the school community;
2. Respect the rights of other members of that community; and
3. Help meet educational goals through cooperation.

Disciplinary action can range from an oral warning to expulsion. The ASD will try to apply discipline that is progressive in most situations. However, the disciplinary action applied in any particular case will depend upon the specific circumstances, and ASD reserves the right to apply whatever disciplinary action is appropriate in each case. The appropriate level of discipline requires professional judgment and should be based on an individualized evaluation of the conduct and the student involved. The factors that may be considered include, but are not limited to the following:

1. The potential for harm;
2. The student's prior disciplinary record; or lack of any prior offense;
3. Discipline imposed on others in similar situations;

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4. Maintaining an appropriate educational environment;
5. Other relevant factors or circumstances; and
6. For students with disabilities the determination as to whether disciplinary action or another consequence is the appropriate corrective action must be consistent with Appendix A-1 and state and federal law.

Due Process

Every student has a right to due process. Discipline should be fair and reasonable. Before any disciplinary action is taken, a student will be given "due process," which is an opportunity to do the following:

1. Find out what the school thinks the student did wrong;
2. Present the student's side of the story.
3. A student with a disability is entitled to the same opportunity as described in Par. 2, with the provision for reasonable accommodations consistent with the child's IEP or 504 plan and the rights and protections pursuant to the IDEA or Section 504.

Non-Discrimination

This Statement of Rights and Responsibilities will be enforced fairly and uniformly without regard to race, ethnicity, national origin, religion, sex or gender, sexual orientation, or disability.

Jurisdiction

The following rules apply on school grounds, at school activities on and off school grounds, on school buses, and at school bus stops. These rules also apply to acts that:

1. Begin on school grounds and end off school grounds; or
2. Begin off school grounds and continue on school grounds; or
3. Pose a likelihood of disruption of education or conduct at the school;
4. Occur when the student is on the way to school or leaving school.

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In addition, students may be disciplined for behavior on or off school grounds that takes place at any time if the behavior clearly has negative consequences for the welfare, safety, or morals of other students or a person employed or volunteering at the school. The District should not exercise this jurisdiction with respect to conduct that has little or no actual or likely impact on the school community.

Note: AS 14.30.045. (Revised 6/14/99)

Rights, Responsibilities and Limitations

A student who engages in any prohibited conduct or fails to abide by any requirement of this Statement of Rights and Responsibilities shall be subject to appropriate corrective action which can range from a verbal warning to expulsion. No system of rules can provide for every situation, and the District may prohibit and discipline other offenses not specifically listed that interfere with the education, safety, welfare, or morals of students, employees, or volunteers.

Students Experiencing Disabilities

Students with disabilities are expected to follow the standards of behavior as described in this Statement of Rights and Responsibilities unless their IEP/504 plans (or behavior intervention plans) provide otherwise. Whether the corrective action for a student with disabilities who is found to have violated these standards of behaviors is discipline or some other consequence must be determined in accordance with the provisions of Appendix A-1. A copy of the additional rights of students with disabilities set forth in the Notice of Procedural Safeguards and 504 policy is available from the Anchorage School District Special Education Department or the school principal.

A. Student Behavior / Prohibited Conduct

1. Accessory to an Act (Aiding, Inciting, or Encouraging Prohibited Conduct)
Acting as an accomplice or in any way aiding, assisting, facilitating, or encouraging the preparation, instigation, commission or aftermath of prohibited conduct is prohibited. A student with

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knowledge or information regarding a potential or actual criminal or violent act within the jurisdiction of the district should immediately report such information to a teacher, counselor, school administrator, or other school employee. Failure to report direct personal knowledge of a criminal or violent act may be considered facilitation of the act where the student fails to take a clear opportunity to prevent or minimize the act. Attendance to observe a prohibited act may constitute a violation of this policy.

2. Arson/Fire
Damaging or attempting to damage property by the setting of fire, the causing of an explosion, or trying to start a fire or explosion is prohibited.
3. Assault
Intentionally or recklessly causing or threatening physical injury to another person or placing another person in fear of immediate physical injury is assault and is prohibited. A student who assaults a staff member will usually be placed on emergency suspension and be recommended for expulsion for a presumptive period of one year.
4. Attempt
Attempting to commit a punishable act, even if that attempt is not ultimately completed or successful, is prohibited.
5. Attendance
Students enrolled in the Anchorage School District must attend school every day as required by municipal and state law and School Board rules. Student failure to attend a regularly scheduled class without being officially excused is prohibited.
6. Before and After School Restrictions
A student must not remain on school grounds before or after the regular school day unless the student is directly involved in a supervised, approved 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 disciplined for trespass. Outside school hours, school grounds are available for public use when not in use for school activities or under a Facilities Use Permit. However, the principal

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may close school grounds for a reasonable period before and after school.

7. Cell Phones/Electronic Communication Devices

Conditions of Use:

A student may possess a cellular telephone or other electronic communication device (ECD)(e.g., paging device/beepers, personal digital assistants, and other devices designed to receive and send an electronic signal) in school, on school property, at after school activities, and at school-related functions as long as such activity does not interfere with educational processes or safety/security. As a condition of this permission, the student assumes all risk of loss, damage or theft of the cellular phone or other ECD.

Students are permitted to use cellular phones and other ECDs before and after school and during the student's lunch period. Cellular telephones and other ECDs must remain off and put away at all other times during the school day. However, a student may not use a cellular telephone or other ECD if disruptive of other students' instructional time.

During school and school-sponsored activities, students will comply with administrative or staff member directives relating to the use of cellular phones and other ECDs.

Exceptions may be made in special circumstances with prior approval from the principal or designee.

Prohibited Conduct:

Possession of a cellular telephone or other ECD by a student is a privilege, which may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of the device so as to violate the law or any other school or District rule. In addition to those conduct rules set forth elsewhere, the following violations may result in disciplinary action:

1. Accessing and/or viewing an Internet site that is otherwise blocked to students at school.

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2. Sending an e-mail, text message or other communication that harasses, intimidates, threatens, bullies, or discriminates against another individual.
3. Using a camera device at school or a school-sponsored event to take, send, download or upload a harassing, threatening, or embarrassing photograph of anyone.
4. Using a camera in a restroom, dressing room, or locker room.
5. Using a camera or other recording device to record or capture the content of tests, assessments, homework, or classwork without express prior permission from the instructor.

The contents of a cellular phone, camera, or other ECD may be searched to determine ownership, to identify emergency contacts, or upon reasonable suspicion that a school or District rule or the law has been violated.

A cellular telephone or ECD that has been confiscated and not turned over to law enforcement will be released/returned to the parent/guardian when no longer necessary for investigation or disciplinary proceedings. As appropriate, the cellular telephone or ECD may be returned directly to the student.

8. Cooperate with School Personnel
Students must obey the instructions of all school district personnel. Refusal to comply with a reasonable request by a staff member is willful disobedience and is prohibited.
9. Criminal Acts
The commission of, or participation in, any criminal activity is prohibited. Criminal acts are defined in detail under the laws of the State of Alaska. The District may take disciplinary action regardless of whether or not criminal charges or prosecution result from the act. The District may find a violation of District policy and is not

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bound by the criminal elements of a specific crime as identified in state law.

Note: AS 14.30.045(5)

10. Dangerous Actions
Actions that are likely to create a substantial risk of injury, damage or disruption to persons or property are prohibited.
11. Dangerous Materials/Objects
Possession or bringing to school or a school activity any material or object that jeopardizes the safety or welfare of people under District jurisdiction or that disrupt the educational process is prohibited. These materials or objects include Mace, pepper spray, bear spray, explosive, flammable, or other hazardous chemicals or chemical products, caps, bullets, laser pens or pointers, and other potentially dangerous or disruptive items.
12. Discrimination/Harassment/Bullying
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 learning and working environments that are free from discrimination, harassment, hazing, and related violence. The learning environment in District schools must be structured to reflect diverse cultural traditions and their contributions. The District will not tolerate any behaviors that ridicule, harass, intimidate, or otherwise threaten or discriminate against students, staff, or community members. The District will investigate all complaints of discrimination or harassment regardless of whether the complaint is formal or informal, verbal or written. The District will discipline any student or employee who discriminates against or harasses a student, employee, or community member. A false or frivolous accusation made under this policy may result in disciplinary action against the accuser.
 - a. Discrimination and Harassment Defined
Discrimination: Discrimination is the display of unlawful partiality or prejudice towards others.

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

Examples of violations of this discrimination and harassment policy may include but are not limited to the following:

- (1) Making demeaning remarks directly or indirectly, such as name-calling, racial slurs or "jokes"; or
- (2) Physically threatening or harming an individual; or
- (3) Displaying discriminatory or harassing visual or written materials; or
- (4) Defacing, damaging, or destroying property or materials; or
- (5) Performing any other act that is clearly discriminatory or harassing in nature; because of a person's race, creed, sex or gender, national origin, age, marital status, political or religious beliefs, physical or mental disabilities, family, social, or cultural background, or sexual orientation.

Sexual Harassment: Sexual harassment consists of unwelcome sexual conduct, including 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 expressed or implied, 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, education, grades, or participation in any school activities; or

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- (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:

- (1) Sexually oriented verbal harassment or abuse;
- (2) Subtle pressure for sexual activity;
- (3) Sexually inappropriate patting or pinching;
- (4) Intentional brushing against a student's or employee's or community member's body;
- (5) Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
- (6) Any sexually motivated unwelcome touching; or
- (7) Sexual violence that is a physical act of aggression that includes a sexual act or sexual purpose.

Disability Related Harassment: Disability related harassment consists of any harassment (as defined above under Item 11.a directed toward a person with a disability).

b. Cyberbullying

An act of cyberbullying is prohibited and will result in disciplinary action. Cyberbullying encompasses any of the already prohibited actions - such as bullying, discrimination, or harassment - accomplished through electronic means. "Electronic means" include, but are not limited to, information and communication technologies such as e-mail, voice mail, cell phone and pager text messages, instant messaging (IM), personal Web sites, Weblogs, and online personal polling Web sites.

Examples of cyberbullying include:

1. Posting slurs or rumors or other disparaging remarks about a student or staff member on any Web site or Weblog;

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2. Sending e-mail or instant messages that are harassing or threatening;
3. Taking and sending an unauthorized and unwanted photograph of a student or staff member.

The District will discipline a student the district determines has engaged in cyberbullying that takes place on school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, through the use of the District Internet system or on any District equipment, or at any time off-campus if the cyberbullying causes or threatens to cause a substantial and material disruption at school or interference with a student's education or security.

c. Reporting Procedures

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

(Discrimination & Harassment Section Revised 6/25/01)

13. Disruptive Behavior

Disruptive behavior or appearance that interferes with the normal school program, the educational process, or the lawful activities of others is prohibited.

14. Disruptive Items (Radios, Tape Decks, Toys, etc.)

School lockers are not secure enough to store portable radios, walkmans, tape recorders, beepers, cellular phones, play back

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devices, TV sets, CD players, or other expensive items. Students who bring these items to school do so at their own risk. Use of these items, or any other items, in a manner that disrupts others or interferes with or disturbs the education of the student or others is prohibited. Additional restrictions may apply at individual schools regarding the possession or inappropriate use of frisbees, hackysacks, skateboards, basketballs, and other toys, electronic devices, or game equipment.

15. Drugs and Alcohol

- a. The actual or attempted sale, distribution, use, or possession of alcohol, illegal drugs or inhalants, drug paraphernalia, substances that look like illegal drugs or alcohol, or substances purported to be illegal drugs or alcohol, while the student is under the jurisdiction of the District is prohibited. Students who sell, attempt to sell, or use these substances off school grounds and who then arrive at or return to school or school-sponsored activities will be subject to suspension and/or expulsion. The sale, trade, distribution or misuse of prescription drugs or look-alike prescription drugs is also prohibited.

Note: Whether the corrective action for students with disabilities for drug or alcohol violations is discipline or some other consequence, must be determined in accordance with the provisions of Appendix A-1 rather than the procedures set forth below.

Cumulative Nature of Violations: A violation of the District's policy on Drugs and Alcohol will constitute a prior offense that will carry over from year to year and will subject the student to greater discipline for a later violation.

Sanctions:

- (1) First offense for use or possession:
 - (a) Ten (10) days suspension from school.
 - (b) Referral to the Drugs/Alcohol Suspension Program. Students may reduce their suspension by up to five (5) days by meeting specific criteria for the program.

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- (c) Required parent/guardian and student conference with the school principal or designee prior to readmission to school.
 - (2) Each subsequent offense for use or possession:
 - (a) A violation occurring within the span of three full school years after the year a previous violation occurs will result in a recommendation to the School Board for expulsion from the Anchorage School District.
 - (b) A violation occurring more than three full school years after the year in which a prior offense occurred will be subject to progressive discipline, but not automatic recommendation for expulsion.
 - (c) A school year is defined as July 1 to June 30.
 - (3) The first and any subsequent offense for the sale or attempted sale of prohibited substances will result in a recommendation to the School Board for expulsion from the Anchorage School District.
 - (4) At its discretion, 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 Superintendent or designee shall establish eligibility criteria for participation by any student in any such program.
 - (5) The District may also refer any use, possession, or sale of drugs or alcohol, or any attempt, to the police.
- b. Use or possession of over-the-counter drugs, prescription drugs prescribed to that student, vitamins, and other nutritional supplements is subject to control by the District. Such items must be turned over to the school nurse or designated staff person and used only under school

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supervision. Asthma inhalers and auto-injectable epinephrine may be kept and used by students with permission from the principal following submission of required documentation for the self-administration of medication. This documentation, and procedures for its completion, are available at the school office and must be submitted each school year. By law, the District is not liable for accidents, injuries, illness, or death related to the self-administration of medication by a student. Violations of this paragraph are subject to disciplinary action and may be subject to the cumulative violation policies described above. Disciplinary action may not limit or restrict a student's immediate access to a prescribed asthma inhaler or auto-injectable epinephrine. (Revised 11/14/05)

Note: AS 14.30.141.

16. Excessive Display of Affection
Excessive display of affection is prohibited.
17. Extortion or Blackmail
Obtaining money or property by violence, threats of violence, untrue accusations, or public ridicule is prohibited.
18. Failure to Identify Self
All students in school buildings, on school grounds, or at school-sponsored events must, upon request, identify themselves to school district personnel or their designee. Student failure to provide his or her correct name, address, and parent contact number upon such request is prohibited.
19. False Alarm / Bomb Threat
Activating or raising a false alarm, tampering with the fire alarm system, or knowingly making a false report of fire or other emergency is prohibited. Bomb threats and other threats of harm are also prohibited.
20. False Impersonation
Students may not claim to be someone else with the intent to deceive school personnel, other students, or members of the

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community, or in connection with any school district activity or function.

21. False Information/False Witness/Lying
The presentation of information or testimony (oral or written) that is knowingly misleading, untrue, or knowingly misrepresenting facts, or an actual attempt to defraud or lie is prohibited.
22. Forgery/Cheating
Students may not make, alter, or possess a document that the student knows to be false or forged. Students may not claim the work of others as their own. Cheating is prohibited.
23. Fighting/Physical Violence
Fighting and physical violence, which include any instigation or starting of violence or actual violence in which striking, kicking, shoving, pushing, and /or any other physical contact of a violent nature is used against another person are prohibited. When two or more students are involved in any verbal or physical fight or altercation, all parties may be subject to suspension or expulsion.

Note: Whether the corrective action for students with disabilities for serious bodily injury is discipline or some other consequence, must be determined in accordance with the provisions of Appendix A-1 rather than the procedures set forth below.

Active participation in a fight, beyond self-defense as defined below, may result in suspension even if it can be shown that a different person started the fight.

Self Defense: A student may claim self-defense only if the student acted under a reasonable belief that action taken by the student to protect him or herself was necessary to avoid injury, and other alternatives, including means of assistance or retreat, were not reasonably available. The student must use the minimum force necessary to escape injury. A claim of self-defense may be rejected if the force used in the alleged self-defense is disproportionate to the force used by the other person. A student who started the fight or altercation or who inappropriately provoked the other student's conduct may not claim self-defense.

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Intervention: Physical intervention to stop a fight generally increases the risk of injury and is strongly discouraged. An intervener who participates in a fight is subject to long-term suspension or expulsion.

24. Fireworks/Explosives

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

25. Inappropriate Sexual Behavior

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

26. Internet /E-mail or Network/ Computer Misuse

Students are required to use school computers, school or district networks, and the Internet system in an appropriate manner. Inappropriate use of computers, school or district networks, Internet, e-mail, ASD equipment, equipment used in ASD facilities, or at/for ASD events, is prohibited. Inappropriate use may include, but is not limited to, the following:

- Accessing, sending or displaying offensive messages or pictures
- Using obscene language
- Harassing, demeaning, defaming, insulting, threatening or attacking others
- Violating copyright laws
- Using another's password, impersonating another person
- Trespassing in another's folders, work or files
- Deliberately damaging hardware or software
- Employing the ASD or school network for commercial purposes
- Using district computers for illegal activities
- Plagiarism (claiming work done by someone else as one's own)

Violations may result in a loss of computer, network, and e-mail privileges, withdrawal from or failing computer-related class(es), as well as other disciplinary or legal action including recommendation for suspension and/or expulsion.

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27. Littering
Leaving or discarding trash anywhere except in an appropriate receptacle is prohibited.
28. Obscenity/Profanity
Students are to use discretion in their choice of language. Profane or inappropriate language or gestures are prohibited. Prohibited language includes spoken or written profanities and obscene or sexual messages (implicit or explicit).
29. Prohibited Organizations and Groups
 - a. Groups that start, advocate, or promote activities that threaten the safety or well being of persons or property at school or at school activities and/or are determined to be detrimental to the educational program of the school are prohibited. Apparel, jewelry, accessories or grooming that implies or indicates 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 in activities designed to create group affiliation that can cause bodily harm or mental or emotional harm is prohibited.
 - c. Persons who display symbols of prohibited groups or who participate in activities identified with prohibited groups or who participate in activities that 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.
30. Reckless or Unsafe Behavior
Any action that jeopardizes the safety and/or welfare of one's self or others is prohibited.
31. Smoking/Tobacco
Use, sale, or possession of tobacco in any form by students, including students who are 19 years of age or older, while under the jurisdiction of the school is prohibited.

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32. Theft/Robbery
Robbery, theft, attempted theft, or possession of stolen property by students is prohibited.
33. Threats
Willfully attempting or threatening to inflict injury on another person while under District jurisdiction is prohibited. A student threatening a staff member may be placed on emergency suspension with a possible recommendation for expulsion.
34. Trespass
Entering or remaining on school property at an unauthorized time or at a school-sponsored activity without permission is considered trespass and is prohibited. During school hours, a student must have authorization to be on the property of a school where the student is not enrolled. Any student suspended or expelled from ASD is not allowed on any school property or at any school activity on or off school property, except that eligible students may attend those programs authorized by the School Board for expelled or long-term suspended students if the student is enrolled in that program. Suspended or expelled students may also attend a specific activity with the explicit written permission of the principal or assistant principal.
35. Vandalism/Destruction of Property/Pranks
Removing, misusing, destroying, defacing, or mutilating objects or materials belonging to the school, school personnel, or other persons is prohibited.
36. 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 or authorized activity. 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 weapons, or look-alike weapons of any kind, while subject to the jurisdiction of the school are subject to suspension or expulsion and arrest.

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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.

Note: Whether the corrective action for students with disabilities for possession of weapons is discipline or some other consequence, must be determined in accordance with the provisions of Appendix A-1 rather than the procedures set forth below.

Note: 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.

- a. Any student who is determined to have brought a firearm to a school, or a school related activity, will be expelled from school for a period of not less than one year.
- b. Any student who is determined to have brought a deadly weapon other than a firearm to school, or a school-related activity, will be suspended for a period of not less than 30 days.
- c. The Superintendent, on a case-by-case basis, may determine whether a lesser expulsion or suspension period is appropriate. This modification may include removal from the student's present school setting and a placement in an alternative educational setting and/or program.
- d. Reinstatement of the student to a school program will only be recommended by the Superintendent to the School Board after the student has met the conditions of reinstatement as follows: The student must submit a letter of application for reinstatement to the Superintendent that includes a statement from a forensic psychologist that the student will

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not pose a danger or threat to students or staff while attending classes or other school-sponsored activities.

After a full review of the reinstatement application, the Superintendent will make a recommendation to the School Board as to whether to reinstate the student and under what specific conditions the student may be reinstated.

- e. Possession of a weapon other than a firearm or deadly weapon is prohibited and will result in disciplinary action.

37. Willful Disobedience

Refusal or failure to comply with a reasonable request made by staff is prohibited. In addition, a student may not disobey applicable rules that the student knows or should know. This includes, but is not limited to, classroom rules, rules for appropriate bus conduct, rules for use of the Internet and e-mail, and rules for extracurricular activities and athletics.

B. Search and Seizure

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

- a. All searches, other than random, administrative, and emergency searches described in this section must be based on reasonable cause and should take place in the presence of the student and a third person, unless the student's presence cannot be obtained within a reasonable amount of time under the circumstances or if there is a threat to life or property. The search will be conducted in a respectful, organized manner that shows respect for the student and his or her possessions. At the discretion of the principal or designee, the police or other law enforcement authority may be called to conduct the search or seizure. In that case, any searches or seizures will be at the direction of the law enforcement officer, and the procedures in this section do not apply.
- b. Lockers and Desks
Random Searches: The school administration retains control over lockers and desk space assigned to students. The District retains the

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right to conduct random searches of student lockers or desk space and their contents 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 the District to conduct this type of search are posted in prominent locations in each 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. The search will be conducted in a respectful, organized manner showing respect for the student and his or her possessions.

Note: AS 14.03.105

Searches Based on Reasonable Cause: The school principal or designee has the right and duty to inspect and search a student's locker or desk and their contents if there is reasonable cause to believe that drugs; alcohol; weapons; dangerous, illegal, or prohibited matter; or stolen goods are likely to be found within the area searched. Reasonable cause to search will exist when, based on all the facts and circumstances, 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 reasonable cause 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. School authorities will make a reasonable effort to contact the student's parent or guardian to give the parents or guardians a reasonable opportunity to be present during the search.

c. Automobiles

The school principal or designee may search automobiles that are parked on school grounds if he or she wishes to establish whether drugs, alcohol, weapons, dangerous or illegal materials, or stolen goods may be located within the vehicle. 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 vehicles parked on school grounds by a student, whether or not a

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permit has been obtained, may be searched when there is reasonable cause to believe that the items described immediately above may be located within the vehicle.

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 or guardian to give the parents or guardians a 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 the pockets of other garments he or she is wearing.

e. Search of a Student's Person

Should an administrator have reason to believe that a student has drugs, alcohol, 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. 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. Prior to beginning a search of a student's person, the student must be told the nature of the information against him/her, and reasonable efforts will be made by school authorities to notify the student's parent or guardian by telephone and permit the parent or guardian the opportunity to be present. The student, or the student's parent or guardian if present or reached by phone, will be asked for consent,

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the nature of the search will be specified, and 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. Administrative Searches

In situations of elevated concern for student safety or acts of vandalism, such as at dances or during the last few days of school, the administration may engage searches of all or randomly selected vehicles entering school grounds or of the possessions of students entering the school. Advanced notice that the District will conduct this type of search shall be given. The search will not be more intrusive than reasonably necessary to meet the objectives of the search. Before search of a vehicle or possessions, the student or driver may deny the search but will then be denied entrance.

g. Emergency Exception

For all types of searches described above, when an administrator has reasonable cause to believe, on the basis of information from 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 or 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.

h. Seizure and Surrender of Items Found

Unlawful, prohibited, or stolen items found during the search may be turned over to the police or used in school disciplinary proceedings. School authorities may temporarily seize items that disrupt or interfere with the educational process. Items seized that are not kept for disciplinary proceedings or retained by the police shall, upon request made within ten days, be returned to the parent or guardian.

C. Types of Sanctions/Disciplinary Actions

Note: Whether the corrective action for a student with disabilities who is found to have violated the standard of behavior is discipline (including simple discipline, short-term

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suspension, long-term suspension, or expulsion) or some other consequence, must be determined in accordance with the provisions of Appendix A-1, rather than the procedures set forth below.

1. Simple Discipline

Simple discipline is defined as any disciplinary action against a student other than out-of-school suspension or expulsion.

- a. No simple disciplinary action shall be taken in a way that prevents a student from accomplishing specific academic grade, level, or graduation requirement. Simple disciplinary actions may include in-school suspension ("ISS"), the denial of the privilege to participate in school-sponsored extracurricular programs or activities, social events and senior graduation ceremony. Prior to the imposition of simple disciplinary action, the student will be given written or oral notice of his or her misconduct. The student will then be given an opportunity to present his or her side of what happened. This explanation and opportunity to present facts may take place immediately after notice of the charges is given to the student.
- b. When simple discipline results in the denial of the privilege to participate in school-sponsored extracurricular programs or activities, social events and senior graduation ceremony, the school principal or designee shall first try to let the student's parent or guardian know by telephone about the charges against the student and the proposed discipline. In such cases, the decision of the school principal or designee will be provided in writing to the student and his or her parent or guardian.
- c. There is no right to a formal appeal of simple discipline, except that the denial of participation in senior graduation ceremony may be appealed as set forth in Hearing and Appeal Procedures. 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 denial of participation in senior graduation ceremonies. This does not limit the right of a

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student to appeal a suspension or expulsion that is imposed in addition to the simple discipline.

2. Short-Term Suspension: This is the denial of the right of school attendance either from a single class, more than one class, or any full schedule of classes, and from all other activities, for a limited period of time not to exceed five (5) school days.
 - a. Before a student is placed on short-term suspension, the student must be given written or oral notice of the charges against him or her. If the student denies the charges, the student will be given an explanation of the evidence the administrator has in sufficient detail to identify approximate time and place and the nature of the charges. The student will then be given an opportunity to present his or her side of what happened. This explanation and opportunity to present facts may occur immediately after notice of the charges is given to the student.
 - b. Notice to Parent/Guardian: The school administrator shall:
 1. try to let the student's parent or guardian know about the proposed suspension by telephone and in writing; and
 2. unless the student is placed on Emergency Suspension, provide written or oral notice of the suspension decision before the suspension is to begin.
 - c. A short-term suspension will be enforced immediately, and the student shall remain away from school or the designated class or classes and all school activities. However, if within five (5) school days of receipt of the notice described above, the student and/or the student's parent/guardian requests a hearing, in writing, the suspension will be delayed and the student shall be allowed back in school, but not extra-curricular activities, until an informal hearing, unless the student has been placed on Emergency Suspension. An informal hearing shall be held as soon as possible after the receipt of the written request. Failure to submit a written request for a hearing within five (5) days of the notification

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of the discipline shall constitute a waiver of any right to such a hearing. Students with identified disabilities are also entitled to return to school until this hearing.

- 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 Suspension: This is the denial of the right of attendance from any single class, more than one class, or any full schedule of classes for a stated period of time greater than five (5) school days.
 - a. The following limitations shall apply to all long-term suspensions:
 - (1) No student shall be suspended from an elementary school for more than forty-five (45) consecutive school days.
 - (2) No student shall be suspended from a secondary school for more than ninety (90) consecutive school days.
 - (3) 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 granted credit for work that is handed in or completed during class.
 - b. Notice to Parent/Guardian: When the school administrator, the Superintendent, or their designee, imposes long-term suspension, a written notice shall be delivered by mail or in person to the student and his or her parent or guardian. An attempt to notify the student's parent or guardian by telephone will also be made. This notice shall include the following information:

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- (1) The specific charges against the student, in sufficient detail to identify the approximate time and place and the nature of the charges;
 - (2) The student's right to a hearing; and
 - (3) The imposed sanctions.
- c. A long-term suspension will be enforced immediately, and the student shall remain away from schools and all school activities. However, if within five (5) school days of receipt of the notice described above, the student and/or the student's parent/guardian requests a hearing in writing, the student may return to school, but not extra-curricular activities, and the remainder of the suspension will be delayed until the hearing unless the student has been placed on Emergency Suspension as described below. Any hearing requested shall be held as promptly as possible under the procedures set forth in the Hearing and Appeal Procedures section. 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 and will, therefore, not be entitled to a hearing.
4. Expulsion: This is the denial of the right to attend school for an indefinite period of time or for a period of time greater than a long-term suspension. The instructional division Executive Director or designee will provide the student's parent or guardian information concerning educational alternatives and options available.
- a. Notice to Parent/Guardian: 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 notify the student's parent or guardian by telephone will also be made. The written notice shall include the following information:
 - (1) The specific charges against the student, in sufficient detail to identify the approximate time and place and the nature of the charges;
 - (2) The student's right to a hearing; and

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- (3) The recommended disciplinary actions.
 - b. A student recommended for expulsion shall remain away from schools and all school activities. However, if within five (5) school days of receipt of the notice described above, the student and/or the student's parent/guardian requests a hearing in writing, the student may return to school, but not extra-curricular activities, until the hearing unless the student has been placed on Emergency Suspension as described below. Any hearing requested shall be held as promptly as possible under the procedures set forth in the Hearing and Appeal Procedures section. 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 and will, therefore, not be entitled to a hearing.
 - c. 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 for admission may be required at the discretion of the Superintendent, his designee, or the School Board before the School Board considers whether or not a student will be admitted.
 - (3) Upon admission to school, conditions related to placement and attendance will be prepared in writing. Continued permission to attend school will depend on the student obeying these written conditions.
5. Emergency Suspension: Immediate removal of a student from school attendance without return until any hearing or appeal.

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- a. A school may impose an emergency suspension if, in the judgment of the principal, the student poses an immediate and continuing danger or a threat of disruption to the educational process. In the event of an emergency suspension, the student is not permitted to attend school for the duration of the suspension, regardless of the appeal status.
6. Exclusion from School Property and Activities
Students serving out-of-school suspension or who have been expelled may not be on school property and may not take part in school activities on or off school property. Exceptions to this rule may be granted in writing for specific activities at the discretion of the school principal or assistant principal, subject to any reasonable restrictions imposed by the principal or assistant principal.
7. Programs for Students on Long-Term Suspension or Expelled Students
The School Board may offer programs to provide educational instruction and other services to students who have engaged in conduct that has resulted in long-term suspension or expulsion. These continuation programs shall be as broadly available as possible consistent with safety and budgetary considerations.
(Section Approved 6/25/01)

D. Hearing and Appeal Procedures

Note: Students with disabilities may utilize IDEA or 504 procedures in addition to the hearing and appeal process described below. For more information about the rights of students with disabilities, please see Appendix A-1 which includes a form to utilize for requesting a special education/504 hearing and Notice of Procedural Safeguards or 504 rights. Further, if a student with a disability pursues an IDEA or 504 hearing to dispute a manifestation determination review, discipline cannot be imposed until that hearing and any subsequent appeal takes place.

1. Informal Hearings for Short Term Suspension

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- a. After notification of the short-term suspension, the student or his or her parent or 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, until the informal hearing. However, a student will not be allowed to return to school or be allowed to participate in school-related activities until a hearing if the student has been placed on Emergency Suspension. Failure to submit a written request for a hearing within five (5) days of the notification of the short-term suspension shall constitute a waiver of any right to a hearing, and the student will, therefore, not be entitled to a hearing.
 - b. The hearing shall be held as soon as possible after receipt of the written request and the hearing shall be held before an individual or disciplinary committee other than the individual who imposed the suspension.
 - c. No persons other than the student, the parents or guardians, and the individual who imposed the suspension may appear at the hearing unless the individual designated to hold the hearing, in his or her sole discretion and considering issues of confidentiality, allows 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.
 - d. The decision of the designated individual will be announced in writing within two (2) school days after the hearing ends and shall be final. There is no right of further appeal.
2. Formal Hearings for Long-Term Suspension, Expulsion and Simple Discipline Prohibiting Attendance at School-Sponsored Extracurricular Programs or Activities, Social Events, or a Student's Senior Graduation Ceremony

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- a. Imposition of discipline before a hearing and appeal takes place: If a student or the student's parent or guardian requests a hearing in writing within five (5) school days, the suspension or expulsion shall be delayed until the hearing and the student may return to school. However, the long-term suspension or expulsion shall not be delayed until a hearing if the student has been placed on Emergency Suspension. In such instances, the student shall not be permitted to return to school or to related school activities, until the hearing and appeal process.
- b. The Hearing Officer: A hearing officer shall be appointed by the Superintendent or designee to conduct a hearing under this section and to make a recommendation to the Superintendent or designee. The Hearing Officer shall consider the evidence presented and make a recommendation to uphold, reverse, or modify the suspension or expulsion.
- c. The following procedural guidelines shall govern the hearing:
 - (1) The parent or guardian and student may be present at the hearing and the student may be represented by legal counsel or other 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 present 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 when doing so would subject the witness to the risk of retaliation or harm. Consistent with federal and state law, the District shall not disclose the contents of another student's

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records where such disclosure has not been authorized by the student's parent or guardian, or by the student if he or she is at least 18 years old.

- (4) The hearing will not be conducted according to technical court rules relating to evidence and witnesses. All relevant, not unnecessarily 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, expulsion, or simple discipline prohibiting attendance at school-sponsored extracurricular programs or activities, social events, or a student's senior graduation ceremony, so that suspension or discipline time remains, the suspension or discipline will be enforced immediately upon receipt by the student and parent/guardian of the Hearing Officer's decision. However, unless the student has been placed on Emergency Suspension, the student shall be entitled to return to school if the

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student or his or her parent/guardian appeal the decision under the procedures set forth in this section.

- d. The student and his or her parent or guardian shall have five (5) school days after receipt of the written decision to appeal the decision to the School Board.
 - (1) The request for appeal must be in writing.
 - (2) The letter must describe the reasons for appealing directly to the Board.
 - (3) The reason for appeal must be 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 or her parent or guardian at least three (3) school days prior to the scheduled meeting.
 - (2) At the meeting, the student, his or her parent or 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 also consider, in its sole discretion, any new evidence submitted by the student not available at the time of the hearing.
 - (3) The Board, in deciding the appeal, shall consider:
 - a) Whether the decision was arbitrary or capricious;

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- 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.
- (4) The Board, or its designee, shall issue a written decision within five (5) school days after the meeting. The Board may uphold, reverse, or modify the disciplinary action or recommendation. The student and his/her parent/guardian shall be provided a written copy of the decision, which shall be final and binding.
- (5) The Board may also Postpone Imposition of Discipline subject to the student fulfilling stated conditions. Where the student meets the required conditions, the suspension or expulsion will not be imposed. If the student does not meet the required conditions, the Superintendent will impose the postponed discipline without further hearing. It is Board policy to use this option rarely and only where special circumstances exist to justify postponement.
- 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. (Section Revised 6/25/01)

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

(Statement of Rights And Responsibilities Revised 6/25/01)

E. Freedom of and Responsibilities Relating to Speech and Assembly

1. Students are entitled to express their personal opinions in a manner that does not interfere with the freedom of others or violate these policies or school rules that are consistent with these policies. Obscenity and defamation are prohibited.

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2. Students have the freedom to assemble peacefully. There is an appropriate time and place for such assemblies. Meetings of school-sponsored organizations or student clubs on school property shall be conducted at times and places approved by the principal or designee. Conducting demonstrations or meetings that interfere with the educational process or the lawful activities of others is prohibited.

a. Freedom of Symbolic Expression

(1) 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 that is clean, not hazardous to the safety of him or herself or others, and that does not detract from or disrupt the educational environment. Clothing worn by students that in the reasonable opinion of the school administration is inappropriate is forbidden. Such clothing includes but is not limited to the following:

- Clothing that promotes gang affiliations;
- Clothing that promotes violence, discrimination or racism, or the use of tobacco, drugs, alcohol or weapons;
- Clothing that is revealing or 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.

An individual school may list in its student handbook other school rules for clothing consistent with this policy. 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.

(2) Buttons and armbands: Students may wear or display buttons, armbands, flags, decals and other badges of

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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.

- (3) Patriotic assembly: A student may choose not to participate in the pledge or salute if he/she desires. A student who chooses not to participate must maintain a respectful silence and may not be disruptive while others are reciting the pledge.

AS 11.81.900(b)(56)

3. Written Material and Electronic Media

These rules govern distribution of all written material and electronic media. The school principal or designee shall be entitled to examine materials before they are distributed to determine whether these materials would disrupt the orderly educational process or violate district policy.

- 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 turmoil and distraction. Material that promotes gang activity is prohibited.
- 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)

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- c. Students have the right to distribute leaflets, newspapers, and handbills at times and places as determined by the school principal or 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. Non-school publications being distributed on school property may be seized by the school principal or designee who has reasonable cause to believe that such publications contain libelous or obscene material. Seized publications will be turned over to the parent/guardian upon request unless the publication is defamatory, obscene, invades the rights of others, or similar good cause.

Note: 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 to set 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. A poll must not interrupt class time unless authorized by the school principal or his/her designee.

F. Student Surveys

The District may conduct or administer surveys of students for the purposes of study, the improvement of education, or class assignment.

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No student may be required to participate in a questionnaire or survey if the student objects to participation.

Requirements for Parental Permission: In administering surveys or questionnaires in the schools, the District shall comply with state and federal laws concerning parental permission.

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.

(Section 14 - Revised 9/28/98)

(Section D - Revised 8/23/99)

Note: 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. *Mental or physical disabilities;*
4. *Sex behavior and attitudes;*
5. *Illegal, anti-social, self-incriminating and demeaning behavior;*
6. *Critical appraisals of other individuals with whom respondents have close family relationships;*
7. *Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or*
8. *Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).*

Note: 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

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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 that 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.*

(Appendix A - Revised April 30, 2007)

APPENDIX A-1
STATEMENT OF RIGHTS AND RESPONSIBILITIES FOR
STUDENTS WITH DISABILITIES

It is School Board Policy to comply with state and federal laws and regulations. This Appendix is prepared by the Administration at the request of the Board to describe protections and procedures relating to students with disabilities under state and federal laws and regulations. These protections and procedures under the Individuals with Disabilities Education Act (IDEA) are described in the “Notice of Procedural Safeguards,” and under Section 504, in the “§504/ADA Administrative Procedures and Guidelines.” Both of these documents can be obtained at any ASD school, from the ASD Special Education Department, or online at the ASD website:

- 1) http://www.asdk12.org/forms/uploads/Procedural_Safeguards.pdf; and,
- 2) http://www.asdk12.org/forms/uploads/504_ParentsRightsBooklet.pdf.

Not later than the date on which the decision to take disciplinary action is made by ASD, it must notify the student’s parents of that decision and provide the parents with a copy of the Notice of Procedural Safeguards or §504/ADA Administrative Procedures & Guidelines (as the case may be).

NOTE: This Statement of Rights and Responsibilities for Students with Disabilities is intended to merely summarize the protections and procedures provided to students with disabilities under IDEA and Section 504 and not replace the “Notice of Procedural Safeguards” or “§504/ADA Administrative Procedures & Guidelines.” Accordingly, to be fully advised of the rights of a student with disabilities, parents must obtain (if ASD has not already provided a copy to them) and carefully review the “Notice of Procedural Safeguards” or the “§504/ADA Administrative Procedures & Guidelines” (if their child is under Section 504).

STUDENTS WITH DISABILITIES

NOTE: Students with disabilities refers to both students with identified disabilities and students with suspected disabilities. A student with suspected disabilities may assert the rights and protections of a student with identified disabilities. The circumstances under which a student will be deemed to be a student with suspected disabilities and the additional rights and protections under state and federal law provided to a student with disabilities are summarized below.

Students Identified as Having a Disability: A student may be identified as a student with disabilities under either IDEA or Section 504. If a student has an individualized education program (IEP), the student has been identified as a student with disabilities under IDEA, and therefore has rights and protections provided by IDEA explained in the

“Notice of Procedural Safeguards.” If a student has a 504 plan, the student has been identified as a student with disabilities under Section 504, and therefore has the rights and protections provided by Section 504, explained in the “§504/ADA Administrative Procedures & Guidelines.

Students Suspected of Having a Disability: A student who has not been identified as a student with disabilities under IDEA who has engaged in behavior that violates the ASD’s Code of Student Conduct may assert any of the rights and protections provided for under IDEA if ASD had knowledge that the student was a student suspected of having a disability before the behavior that precipitated the disciplinary action occurred.

The ASD shall be deemed to have knowledge that a student is a student suspected of having a disability, before the behavior that precipitated the disciplinary action occurred:

- a. The parent of the student has expressed concern in writing to supervisory administrative personnel at ASD, or a teacher of the student, that the student is in need of special education and related services;
- b. The parent of the student has requested an evaluation of the student as provided under IDEA; or,
- c. The teacher of the student, or other personnel at ASD, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Director of Special Education at ASD or to other ASD supervisory personnel.

ASD shall not be deemed to have knowledge that the student is a student suspected of having a disability if the parent of the student has not allowed an evaluation of the student as provided under IDEA or has refused services under IDEA or the student has been evaluated under IDEA and ASD determined that the student was not a student suspected of having a disability.

If ASD does not have knowledge that a student is a student suspected of having a disability as described above prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors consistent with the following limitations.

If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by ASD, which can include suspension or expulsion without educational services. If the student is determined to be a student with an identified disability, taking into consideration information from the evaluation conducted by ASD and information provided by the parents, ASD shall provide special education

and related services, except that, until the results of the evaluation, the student shall remain in the educational placement determined by ASD.

TYPES OF HEARINGS

When the ASD has determined that a student with a disability has violated the Code of Student Conduct, and the student's placement is changed by being suspended for more than ten (10) school days within a school year, expelled or removed to an interim alternative educational setting for not more than 45 school days, the student may request two (2) separate, but related, hearings.

First, the student may request a hearing as provided in the Code of Student Conduct, to dispute whether the student violated the Code of Student Conduct, and if so, whether the discipline recommended by the ASD administration is appropriate.

Second, when a student with disability's placement is changed, the ASD is required under IDEA and Section 504, within ten (10) days of the decision, to hold a meeting with the parent and relevant members of the student's IEP team to determine whether the student's conduct was a manifestation of the student's disability. This group is commonly referred to as a manifestation determination review (MDR) team. The determination is made by the MDR team after reviewing all relevant information, including that provided by the student's parents, and answering the questions:

- a. Was the conduct in question caused by, or have a direct and substantial relationship to, the student's disability?; or
- b. Was the conduct in question the direct result of the ASD's failure to implement the student's IEP/504 plan (including any behavior intervention plan)?

If the MDR team determined that the answer to either of the above questions is yes, the student's conduct must be determined to be a manifestation of the student's disability. In such case, the student's IEP/504 team must address the status of the assessment of the student's functional behaviors and behavior intervention plan, if any, and the student must be returned to the student's prior placement unless the parent and ASD agree to a change in the student's placement as part of a modification of the student's behavior intervention plan. However, the student may remain removed to an interim alternative education setting (1) for up to a total of 45 school days for a violation of the Code of Student Conduct involving weapons, drugs or serious bodily injury or (2) if the ASD obtains an order from a hearing officer or court that maintaining the student's current placement is substantially likely to result in injury to the student or others.

On the other hand, if the MDR team determines that the conduct that gave rise to the violation of the Code of Student Conduct was not a manifestation of the student's disability, the disciplinary procedures applicable to students without disabilities may be

applied to the student with a disability in the same manner and for the same duration as the procedures would be applied to students without disabilities, except the student must continue to receive special education and related services under the student's IEP/504 plan but in an alternative educational setting as determined by the student's IEP/504 team.

A student with a disability may request a second hearing under IDEA or Section 504 (as the case may be) to dispute the determination of the MDR team that the conduct that gave rise to the violation of the Code of Student Conduct was not a manifestation of the student's disability. If a student with a disability requests this second hearing under IDEA or Section 504 to dispute a manifestation determination review, discipline cannot be imposed until this hearing and any subsequent appeal takes place.

PLACEMENT AND SERVICES

ASD personnel may consider any unique circumstances on a case-by-case basis when determining whether discipline resulting in a change in placement, consistent with IDEA, is appropriate for a student with a disability who violates the Code of Student Conduct.

Out of school suspension(s) of a student with disabilities may be without provision of any educational services for up to a cumulative total of ten (10) school days per school year. If, however, the suspension is to be longer than ten school days for a violation of the Code of Student Conduct involving weapons, drugs or serious bodily injury, or based on an order by a hearing officer or court that there is a substantial likelihood of injury to the student or others, identification and commencement of appropriate interim alternative educational services should not be delayed.

When a change of educational placement occurs for a student with disabilities, various procedural safeguards are triggered under IDEA and Section 504. A change in educational placement occurs if a student is:

- a. Suspended out of school eleven (11) or more days during any one school year;
- b. Removed from school for not more than 45 school days for a violation of the Code of Student Conduct involving weapons, drugs, or serious bodily injury; or
- c. The ASD obtains an order from a hearing officer or court that maintaining the student's current placement is substantially likely to result in injury to the student or to others.

The procedural safeguards under IDEA and Section 504 which will be triggered when a change of placement occurs in any of these ways are that the parents will be provided a Notice of Procedural Safeguards or §504/ADA Administrative Procedures & Guidelines

(as the case may be), the status of the assessment of the student's functional behavior and behavior intervention plan will be reviewed, an MDR team will be convened and an IEP/504 team will be convened to make a determination regarding the interim alternative educational services to be provided the student. The interim alternative educational services provided must enable the student to continue to participate in the general education curriculum (although in another setting), to progress toward meeting the student's IEP goals, and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violations so that it does not recur. These services need not duplicate every aspect of the programs and services the student currently receives.

Unless ASD has removed a student with disabilities for not more than 45 school days due to conduct involving weapons, drugs, or serious bodily injury, if an MDR team determines that the student's conduct was a manifestation of the student's disability, the student must be returned to the placement from which the student was removed unless the parent and the ASD agree to a change of placement. On the other hand, where the MDR team determines that the student's conduct was not a manifestation of the student's disability, the student is removed by the ASD for not more than 45 school days for violations of the Code of Student Conduct involving weapons, drugs, or serious bodily injury or the ASD has obtained an order that maintaining the student's current placement is substantially likely to result in injury to the student or others, an IEP/504 team must determine the interim alternative educational services to be provided to the student.

The parents of a student with a disability, in addition to requesting a hearing to dispute the determination of an MDR team that a student's conduct was not a manifestation of the student's disability, may also request a hearing disputing the appropriateness of the IEP/504 team's determination regarding interim alternative educational services, the ASD's removal of the student for not more than 45 school days for violations of the Code of Student Conduct involving weapons, drugs, serious bodily injury or an order that the ASD has obtained from a hearing officer or court that maintaining the student's current placement is substantially likely to result in injury to the student or others, or any decision regarding the student's placement. While the hearing appealing any of these actions is pending, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time the student was removed for violations of the Code of Student Conduct involving weapons, drugs, or serious bodily injury or other violations of the Code of Student Conduct determined not to be a manifestation of the student's disability.

HEARINGS

Any hearing requested either by a parent or the ASD under IDEA is an expedited hearing which shall occur within twenty (20) school days of the date the hearing is requested and shall result in a determination of within ten (10) school days after the hearing. A hearing officer shall hear and make a determination regarding an appeal. In doing so, the hearing officer may order a change in the placement of a student with a disability, including

returning a student with a disability to the placement from which the student was removed or order a change in placement of a student with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

(Appendix A-1 - Revised April 30, 2007)