

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

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SCHOOL BOARD COMMUNICATION

Title: Policy Revision Worksession

Date: February 28, 2012

Item Number:

Worksession

Administrator: Dave Jones, Assistant Superintendent



Attachments:

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☐ Action Needed ☒ For Discussion ☐ Information ☐ Other: _____

BACKGROUND INFORMATION

The following policies were reviewed by the Board Policy Committee on February 6, 2012. This is scheduled for a worksession review on March 5, 2012.

AR 5144.1 Suspension and Expulsion

- Clarification of determination of suspensions and expulsions

E 5144.1(a) Long Term Suspension Process

- Clarification of long-term suspension process

E 5144.1(b) Order of Hearings

- Informal hearings may be appealed to the Superintendent with Formal Hearing I and which may be further appealed to the Board by Formal Hearing II with no further appeals available.

E 5144.1(c) Expulsion Recommendation Process (NEW)

- This flowchart has been added to visually document the expulsion recommendation process.

AR 5144.11 Due Process

- Appeal process clarified.
- Appeals of recommendations for expulsion to go to Superintendent.

E 5144.11(a) Request for Reconsideration

- Title has been changed to **Notice of Appeal** with a minor change in text.

E 5144.11(c) Procedure for Student Hearings

- Title change to Procedures for **Contested** Student Hearings.

ADMINISTRATIVE RECOMMENDATION

SUSPENSION AND EXPULSION**Notice of Regulations**

At the beginning of each school year, the Principal of each school shall notify ~~all~~ students and parents/guardians in writing of all school rules related to discipline, suspension and expulsion. Staff, students, and parents/guardians shall be notified about District policies and regulations. Transfer students and their parents/guardians shall be notified at the time of enrollment.

Grounds for Suspension and Expulsion

A student may be suspended or expelled for the following causes:

1. Continued willful disobedience or open and persistent defiance of reasonable school authority;
2. Behavior which is in some way harmful to the welfare, safety or morals of other students;
3. Conviction of a felony which the Board determines will cause the attendance of the ~~child-student~~ to be in some way harmful to the welfare or education of other students.

(cf. 5112.2 - Exclusions from Attendance)

A student may be suspended or expelled for behavior occurring at any time, including but not limited to the following circumstances:

- ~~1. 1.~~ While on school grounds, whether or not school is in session;
- ~~1-2.~~ While at school-sponsored activities on or off-campus;
- ~~2.—~~ 3. While going to or coming from school or a school-sponsored activity; and
- ~~3.—~~ 4. During the lunch period, whether on or off the school campus.

Authority to Suspend

A *Superintendent or Principal* may suspend a student from school for any of the acts listed under "Grounds for Suspension and Expulsion" for not more than forty-five (45) consecutive days.

Suspension may be imposed upon a first offense if the Principal determines the student's behavior ~~to be in some way harmful to the welfare of other students or the student's presence represents a danger to persons or property or threatens to disrupt the instructional process~~ warrants suspension.

SUSPENSION AND EXPULSION (continued)

If the expulsion of a suspended student is being considered by the Board, the Superintendent may, in writing, extend the suspension until such time as the Board has made a decision.

(cf. 5144.2 - Suspension and Expulsion/Due Process - Individuals with Exceptional Needs)

Suspension

Suspension is defined as the temporary prohibition of a student from physically attending school activities on the school grounds or from participation in school-related or supervised activities on or off the school grounds.

Suspensions shall not exceed three (3) days for first offenses or ten (10) days for second offenses except in instances where ~~it has been determined by hearing procedures that~~ a violation of drug ~~use~~ or alcohol ~~use~~ policy and regulation has occurred, or in the event of chronic truancy, ~~repeated~~ violent behavior, weapons, or actions posing a threat ~~threatening~~ to person, property, or the academic program.

Action imposing suspensions of ten (10) days or less or eleven (11) to forty-five (45) days shall follow hearing procedures defined in E 5144.1(a) Long-Term Suspension/Expulsion Process and *E 5144.1(b) Order of Suspensions*.

Notice to Parents

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever the student is suspended, the parent/guardian shall be notified in writing of the suspension.

This notice shall state the reasons for suspension and the date and time when the student may return to school, the appeal process, if any, and may request that the parent/guardian confer with school authorities regarding matters pertinent to the suspension.

Record Keeping

The ~~Principal-District~~ shall keep a dated, ~~confidential~~ record of ~~each~~ student ~~whose behavior is considered detrimental to the health, safety and welfare of him/herself or others~~. The record shall specify ~~in detail~~ the behavior, ~~all~~ courses of action taken to remediate the behavior, ~~a log of~~ student and parent contacts made, ~~the names of persons involved~~, other facts pertinent to the incident and the punishment imposed. Any report of formal or informal hearings shall be included in the record.

SUSPENSION AND EXPULSION (continued)

(cf, 5125 Student Records)

The Superintendent shall be informed of all relevant information and actions.

Denial of Admission

A student of school age may be denied admission to District schools upon recommendation from administration and approval by the Board when such action complies with law.

~~Excused Admission~~

~~A student may be excused from attendance in District schools upon recommendation from administration and approval by the Board when such action complies with law.~~

Expulsion

Expulsion is defined as the ~~denial of admission to removal for more than forty-five (45) days from~~ any and all District schools ~~to of~~ a student whose behavior is found ~~in hearing~~ to constitute a serious, continuing threat to the welfare of him/herself, others, property, or the academic program. Students recommended to the Board for expulsion shall have displayed a pattern of repeated disruptive behavior or have committed an individual act of significant misconduct that warrants ~~denial of admission~~ expulsion as the most appropriate action.

A student may be expelled from the District schools following a contested student hearing and approval by the Board ~~in regular or special meeting in a written decision~~ after affording the student, parent, and legal counsel the right to be heard. If uncontested, the Board conducts an expulsion review. The expulsion hearing/review is a confidential proceeding; however, a vote to expel a student may be announced at a regular or special board meeting without identifying the student who is the subject of the expulsion vote.

(cf. E 5144.1(c))

Terms of expulsion may be for a specified period ~~or the balance of the school year in excess of forty-five (45) days~~, or may be permanent. The Board may place conditions on the expulsion which include, but are not limited to, limited access to school district services which will not present a threat to the academic environment or health, safety or welfare of the KPBSD students and employees. The Board shall set forth any required conditions for readmission. Readmission to school shall be considered ~~when the student has served the term of the expulsion~~

~~and under the procedures set forth below when~~ there is cause to believe that the behavior leading to the expulsion shall not be repeated.

(cf. 6164.3 Student Mental Health – Medication and Services)

Students

AR 5144.1(d)

SUSPENSION AND EXPULSION (continued)

Expulsions of identified special education students must be made in accordance with law. ~~may not be made for behavior that is a condition of the handicap for which their special program has been designed. Any action expelling a special education student is a modification of the individual educational program (IEP) and requires confirmation by the director special services.~~

Readmission

An expulsion order shall remain in effect until the ~~Board may order~~ Superintendent authorizes the readmission of the student. Readmission procedures shall be as follows:

1. A written request for review of expulsion action and request for readmission shall be submitted by the parent/guardian to the Superintendent.
2. The Superintendent will hold a conference with the parent/guardian and the student.

At the conference, the conditions for readmission will be reviewed. The Superintendent shall verify that the conditions have been met. School regulations will be reviewed and the student and parent/guardian will be asked to indicate in writing their willingness to comply with these regulations.

~~3. The Superintendent will transmit the request for readmission to the Board, along with his/her recommendation.~~

~~4.~~ 3. The Superintendent will notify the student or parent/guardian, by registered mail, of the ~~Board's~~ decision regarding readmission.

Legal Reference:

ALASKA STATUTES

AS 14.30.45 Grounds for suspension or denial of admission

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Adoption Date: 10/20/08

LONG-TERM SUSPENSION PROCESS

- I. Be familiar with the following District Policies and Regulations:
 - a. BP 5131.6 *Alcohol and Other Drugs* (if related to substance abuse)
 - b. BP 5145.12 *Search and Seizure* and AR 5145.12 *Search and Seizure* (if related to search and seizure)
 - c. AR 5144.2 *Suspension and Expulsion (Students with Disabilities)* and BP 5144.11 *Due Process* and AR 5144.11 *Due Process* (all hearings regardless of whether formal or informal follow due process)
 - d. BP 5144.1 *Suspension and Expulsion* and AR 5144.1 *Suspension and Expulsion*
- II. Contact the following:
 - a. Parents/guardian by phone and in writing and describe the process to be followed
 - b. Police (if a violation of the law has occurred)
 - c. Assistant Superintendent of Instruction
- III. Ascertain if the student has an IEP and, if yes, follow *5144.2 Suspension and Expulsion (Students with Disabilities)*
- IV. Conduct an informal hearing and provide the following:
 - a. Oral or written notice of charges
 - b. An explanation of the evidence
 - c. An opportunity to present the student's point of view of the incident
 - d. An explanation of the sanctions
 - e. An explanation of the appeal process
 - f. Provide a written summary of hearing to student/parents and Assistant Superintendent
- V. The hearing officer submits a hearing summary of each hearing that must include the following information:
 - a. Student's name (legal and other names the student went by)
 - b. Time and place of the hearing
 - c. A list of those present
 - d. The violation(s) that the student is charged with
 - e. The facts of the case
 - f. The conclusion of guilt or innocence
 - g. The sanctions to be placed upon the student
 - h. Copies of the hearing summary are sent to:
 1. Parent or guardian
 2. Principal
 3. Assistant Superintendent of Instruction

LONG TERM SUSPENSION PROCESS (continued)

VI. A decision of the ~~hearing officer principal~~ suspending the student from school for eleven (11) or more school days may be appealed in writing within five (5) days of receipt of the ~~hearing officer's decision letter via certified mail-suspension notice~~. If appealed, formal hearings are conducted in the following order ~~after each appeal~~.

Level I: This hearing is conducted by a hearing officer within five (5) school days of the appeal request and according to procedures defined herein. A decision will be rendered by the hearing officer within three (3) school days of the hearing.

Level II: This hearing is conducted by the Superintendent within five days of receipt of an appeal from Level I. Decisions are to be rendered within three school days of hearing and sent via certified mail to student and parent.

Level III: This hearing is conducted by the Board at the next available Board meeting following receipt of an appeal from Level II. The decision will be announced within three (3) school days and mailed to parent and student via certified mail.

VII. At all levels of appeal, the Hearing Officer, Superintendent, or Board will prepare a hearing summary of the hearing that must include the following information:

- a. Student's name (legal and other names the student went by)
- b. Time and place of the hearing
- c. A list of those present
- d. The violation(s) that the student is charged with
- e. The facts of the case, including the student's disciplinary record
- f. The conclusion of whether or not the student committed the violation(s)
- g. The sanctions to be placed upon the student
- h. Copies of the hearing summary are sent to:
 1. Parent or guardian
 2. Principal
 3. Assistant Superintendent of Instruction

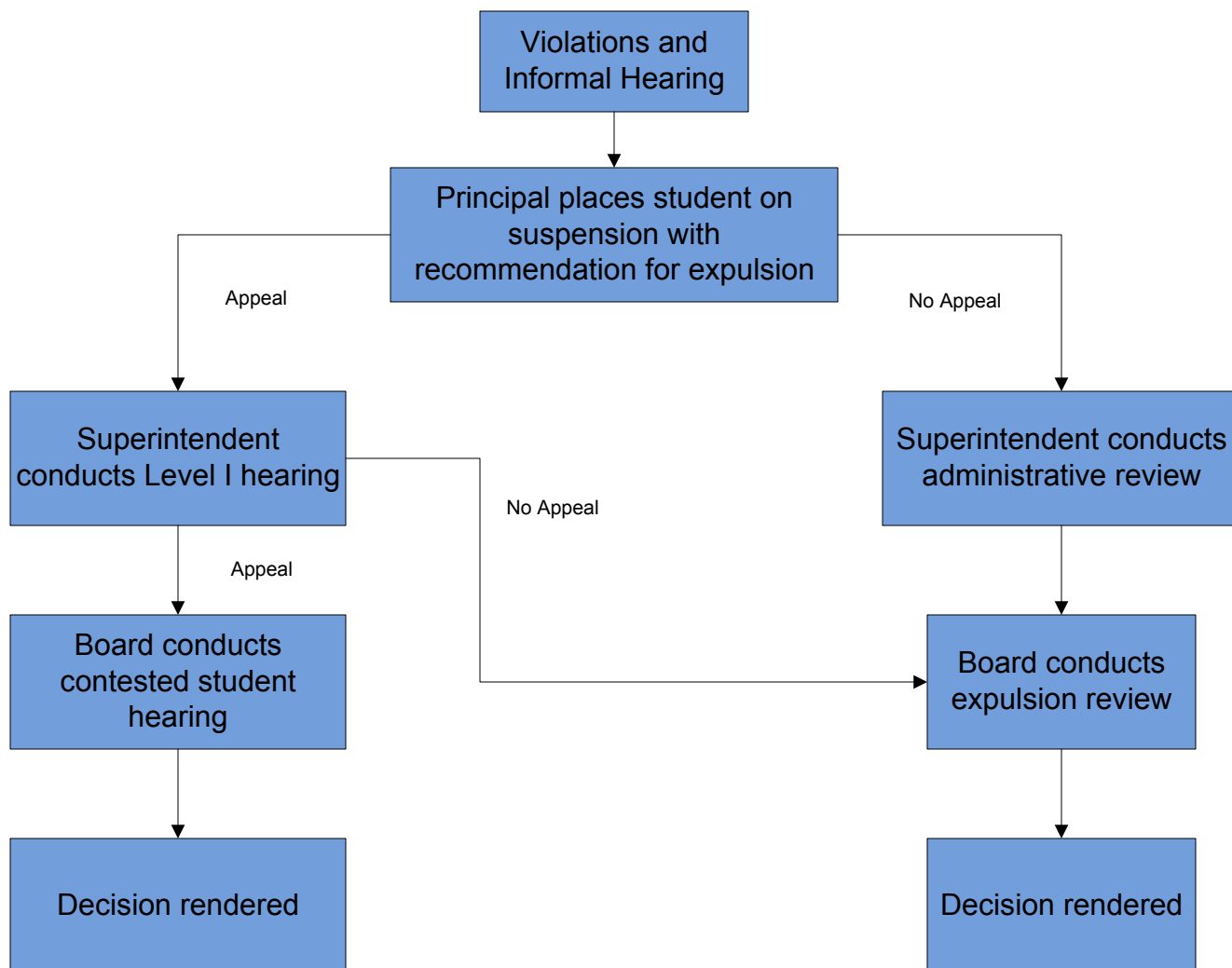
**Order of Hearings
SUSPENSION HEARINGS**

Hearing Type	Description	Appeal
Informal	By Principal or designee when there is cause to believe student has violated law, policy, regulation or school rules. Meeting requires no prior notice.	Suspensions of 10 days or less may not be appealed. Suspensions of 11 days or more may be appealed via <u>Request for Reconsideration E 5144/1(a) Notice of Appeal</u> form submitted within five school days of informal hearing.
Level I – Formal	Hearing to be conducted by the appointed hearing officer within 5 school days of receipt of appeal. Decision to be rendered within 3 school days of hearing and sent via certified mail.	Appealed in writing within 5 school days of receipt of hearing officer's letter.
Level II – Formal	Hearing to be conducted by the Superintendent within five days of receipt of appeal. Decisions are to be rendered within 3 school days of hearing and sent via certified mail to student and parent.	Appealed in writing within 10 school days of receipt of Superintendent's letter.
Level III – Formal	Hearing to be conducted by Board at the next available Board meeting. Decision to be announced within 3 <u>school</u> days and mailed to student and parent via certified mail.	No further appeals available.

EXPULSION HEARINGS

Hearing Type	Description	Appeal
Informal	By Principal or designee when there is cause to believe student has violated law, policy, regulation or school rules. Meeting requires no prior notice. Principal recommends expulsion.	May be appealed via Request for Reconsideration form submitted within five school days of informal hearing.
Formal	Hearing to be conducted by Board at the next available Board meeting. Decision to be announced within 3 days.	No further appeals available.

Expulsion Recommendation Process



DUE PROCESS

A Principal or designee shall conduct an informal hearing when there is cause to believe that a student has violated law, policy, regulation or school rules that could result in disciplinary action. The meeting requires no prior notice.

The student shall be provided:

1. Oral or written notice of the charges,
2. An explanation of the evidence,
3. An opportunity to present the student's view of the incident,
4. An explanation of the sanctions.

A reasonable attempt will be made to contact the parent(s)/guardian(s) orally prior to the suspension. The student's parents/guardians shall be notified in writing of the Principal's decision to suspend the student from school as soon as practical.

Suspended students shall not be permitted to access any Kenai Peninsula Borough School District property or to attend or participate in any District school-related or school supervised activities during the period of suspension without prior administrative approval.

When a student's continued presence in school constitutes a threat to persons, property, or to the academic program, he/she may be immediately removed from school. The informal hearing shall be conducted within a reasonable time and any subsequent suspension shall recognize the days removed from school.

Suspensions of 10 days or less are not subject to appeal.

(cf. 5144.2 - Suspension and Expulsion Due Process (Individuals with Exceptional Needs))

1. Parents, or students who have reached the age of majority, who wish to appeal disciplinary decisions exceeding ten (10) day suspensions, shall submit their appeal to the Principal on the prescribed ~~"Request for Reconsideration E 5144.11 Notice of Appeal"~~ form. The appeal must be submitted within five (5) school days of the informal hearing, or, in cases where expulsion is recommended, within five (5) days of receipt of written notice of the recommendation for expulsion. The suspension or other disciplinary action shall not be stayed pending this appeal.

(cf. E 5144.11 ~~Request for Reconsideration~~ Notice of Appeal Student/Parent Discipline Appeal)

DUE PROCESS (continued)

2. The Principal will appoint an appeal hearing officer who will conduct a Level I formal hearing. Such hearing shall be conducted within five (5) school days of the appeal request and according to procedures defined herein. A decision will be rendered by the hearing officer within three (3) school days of the hearing. Appeals of recommendations for expulsion will ascend directly to the ~~Board of Education for their consideration~~Superintendent.

In the event of an appeal the student and parent/guardian will be provided:

- a. Written and, if possible, oral notice of the following: the charges, potential consequences, and the date, time, place and manner of the hearing to be conducted,
 - b. An explanation of the evidence and an opportunity to present the student's view of the incident,
 - c. An opportunity to call witnesses on his/her behalf,
 - d. The right to have parent/guardian present, and to secure and have legal counsel and/or advocate present, and
 - e. The parents/guardian and the student will be given a written decision within 3 days of the hearing.
3. The decision of the hearing officer suspending the student from school for eleven (11) school days or more may be appealed in writing to the Superintendent within ten (10) school days of receipt of the hearing officer's decision letter via certified mail. The Superintendent will conduct the hearing. Hearing procedures shall conform to those of a formal hearing defined elsewhere in this regulation. A decision shall be ~~filed with~~ issued by the Superintendent within three (3) school days and shall be sent to the school, student and parent/guardian.
 4. Decisions of the Superintendent regarding suspensions may be appealed in writing to the Board within ten (10) school days of receipt of the Superintendent's decision ~~letter~~ via certified mail. The Board shall conduct a hearing ~~prior to~~ at the next available regular meeting and the Board's decision shall be ~~announced distributed~~ within three (3) school days.

~~REQUEST FOR RECONSIDERATION NOTICE OF APPEAL~~

STUDENT/PARENT DISCIPLINE APPEAL

(Form must be filed within 5 school days of the alleged violation or within 5 days of decision)

NAME OF STUDENT: _____

NAME OF PARENT/GUARDIAN: _____

ADDRESS: _____

PHONE(DAYTIME): _____ EVENING: _____

PLEASE SPECIFY THE DISCIPLINARY ACTION YOU WISH TO APPEAL: _____

WHAT SPECIFIC RULE, POLICY, ACTION OR ISSUE OF FAIRNESS DO YOU BELIEVE WAS VIOLATED? _____

ON WHAT DATE DID THIS DISCIPLINARY ACTION OCCUR? _____

WHO WAS THE SCHOOL OFFICIAL/EMPLOYEE WITH WHOM YOU DISAGREE? _____

WHAT EFFORTS HAVE YOU MADE TO RESOLVE THIS ISSUE PRIOR TO SUBMITTING THIS APPEAL?(Who contacted, when, disposition) _____

WHAT RELIEF DO YOU ~~EXPECT~~ DESIRE? _____

SIGNED: _____ DATE: _____

Revised _____

Kenai Peninsula Borough School District

PROCEDURE FOR CONTESTED STUDENT HEARINGS
(by the School Board)

Opening Statements (Student)	5 minutes
Opening Statements (District)	5 minutes
Presentations (Student)	20 minutes
Presentations (District)	20 minutes
Closing Remarks (Student)	5 minutes
Closing Remarks (District)	5 minutes