

## **BP 5000 CONCEPTS AND ROLES**

The focus of the school system is on the student. It is incumbent upon the School Board, district and school administration and teachers to provide for the physical and intellectual welfare of the students in their charge. The school district shall work closely with parents/guardians and the community in order to achieve a harmony of interests.

Students must be recognized and understood as individuals, each with his/her own unique abilities, social and economic background, ambitions and educational needs. The programs and services of the district must be designed and executed with this concept well in mind if the fullest development of each is to be achieved.

Students are expected to accept personal responsibility for making maximum use of those educational opportunities afforded by applying themselves diligently to learning both in the classroom and in other school-sponsored settings. It is also expected that as a result of the total school experience students will come to appreciate the values of self-discipline, responsibility, respect for others, their country and its governmental processes.

Discrimination with respect to color, creed, race, sex, religion, marital status, ancestry, handicap, or national origin is prohibited as regards admission, attendance, and educational programming.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 5145.3 - Nondiscrimination)*

### **Role of School Board**

The Board:

1. Establishes policies to provide the best attainable program of education for the district's students.
2. Authorizes the establishment of special classes, programs, or other facilities for students who are in need of special education in keeping with all legal provisions.
3. Provides for the physical and mental well-being of students.
4. Determines policies regarding student behavior and attendance within the limits of the law.
5. Determines the boundaries of school attendance within the district.

### **Role of Designee(s)**

The Designee(s):

1. Administers all schools and classes authorized by the Board.
2. Directs the instruction, guidance and discipline of all students.
3. Assign students to alternative programs or grades as may improve their education, reduce the expense of maintaining schools, or relieve geographic or demographic conditions.
4. Enforces compliance with compulsory attendance laws.
5. Has immediate authority for the closing of schools in case of emergencies involving the health and safety of students.

Revised 9/97

ADOPTED: 5/11/05

**Cordova School District**

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## BP 5030 SCHOOL DISCIPLINE AND SAFETY

**Note:** Each school district must have in place a school disciplinary and safety program. [AS 14.33.110-140](#). The purpose of the program is to implement community standards of school behavior that are developed with the collaboration of students, parents, guardians, teachers, school administrators, and advisory school boards in each community; and to protect and support teachers who enforce standards of student behavior and safety in the classroom. Effective October 2014, the program must be made available to students, parents, legal guardians, and the public, and must include written policies and procedures consistent with standards for use of restraint and seclusion, outlined in [AS 14.33.125](#). The No Child Left Behind Act requires states to implement a system of school safety assessment. Under NCLB, districts are required to offer a school choice option in two instances: (1) when a student attends a "persistently dangerous school," or (2) when a student has been the victim of a violent criminal offense. Alaska's implementation of these federal mandates is found at [4 AAC 06 in newly added Article 2](#), Safe Schools.

The School Board believes that all students have the right to a public education in a safe and positive environment that fosters the maximum opportunity for learning. An effective school discipline and safety program is necessary to ensure a learning environment free of disruptions. The School Board shall adopt, and the Superintendent or designee shall implement and maintain, an effective school discipline and safety program. The discipline and safety program should reflect community standards of school behavior and safety that are developed with the collaboration of students, parents, guardians, teachers, school administrators, and advisory school boards in each community.

(cf. 1230 - Citizen Advisory Committees)

(cf. 1410 - Interagency Cooperation for Student and Staff Safety)

(cf. 4158 -Employee Security)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.4 - Campus Disturbances)

(cf. 5131.41 - Violent and Aggressive Conduct)

(cf. 5131.42 - Threats of Violence)

(cf. 5131.43 - Harassment, Intimidation and Bullying)

(cf. 5131.5 - Vandalism, Threats, and Graffiti)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Performance Enhancing Drugs)

(cf. 5131.7 - Weapons & Dangerous Instruments)

(cf. 5131.9 - Academic Honesty)

(cf. 5132 - Dress and Grooming)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5141.51- At-Risk Youth)

(cf. 5142.2 - School Safety Patrol)

(cf. 5142.3 - Restraint and Seclusion)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion)

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

(cf. 5145.11 - Questioning and Apprehension)

(cf. 5145.12 - Search and Seizure)

(cf. 5145.5 - Nondiscrimination)

(cf. 5145.5 - Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5147 - Dropout prevention)

(cf. 6159 - Individualized Education Program)

(cf. 6164.2 - Guidance and Counseling Services)

(cf. 6164.4 - Child Find)

(cf. 6164.5 - Student Study Teams)

(cf. 6172 - Special Education)

**Note:** School districts must adopt policies for implementing a student conflict resolution strategy. The strategy must provide for the nonviolent resolution or mediation of conflicts, and procedures for reporting and resolving conflicts. [AS 14.33.120\(a\)\(7\)](#). A district's school disciplinary and safety program must provide for a student conflict resolution strategy.

Providing young people with knowledge and skills to settle disputes peacefully is a critical component of an effective disciplinary and safety program. Students who possess skills in negotiation, mediation, and consensus decision making are able to explore peaceful solutions to conflict and to resolve these conflicts in a nonviolent manner. The Superintendent or designee shall implement and maintain a conflict resolution strategy for district students. The strategy will provide conflict resolution education and resources to students to learn skills in the nonviolent resolution and mediation of conflicts. The strategy should identify and teach effective approaches for students to follow in reporting and resolving conflicts.

**Note:** Effective October 2014, districts must include in the school disciplinary and safety program written policies and procedures consistent with standards for use of restraint and seclusion. The following language incorporates this requirement.

The district recognizes that a key component of its school disciplinary and safety program involves appropriate staff response when student behavior impacts on the safety of that student or others. The district prohibits the use of physical restraint and seclusion except in emergency situations as outlined in law and policy.

(cf. 5142.3 - Restraint and Seclusion)

**Note:** [AS 14.33.120](#) requires the discipline and safety program to have procedures for periodic revision and review. [4 AAC 07.050](#) requires that a district's student rights and responsibilities policies be reviewed at least once every three years. The following language utilizes a maximum three-year duration for the review process.

Not less than once every three years, the district's discipline and safety program shall be reviewed and revised if appropriate. The review process shall make available the opportunity for collaborative input by students, parents, guardians, staff, and advisory school boards in each community. Policies reflecting standards of student behavior, including those identifying prohibited student conduct and penalties, should be reviewed to determine consistency with community standards, including the basic requirements for respect and honesty.

(cf. 9310 - Policy Manual)

(cf. 9311 - School Board Policies)

(cf. 9313 - Administrative Regulations)

**Note:** Annually, the district is to submit a report to the Department of Education and Early Development relating to the district's disciplinary and safety program, including incident numbers for infractions involving violence or weapons. This report is to be submitted at the same time the district submits its annual report on goals and priorities as required by [AS 14.03.120\(a\)](#). Additionally, the district is to report all incidents of suspension and expulsion resulting from harassment, intimidation, or bullying. Effective October 2014, the district is to annually report, not later than June 30, the total number of incidents involving the restraint or seclusion of a student as required by [AS 14.33.125](#) and [4 AAC 06.175](#) (see BP 5142.3). The following language incorporates the reporting requirements for school discipline as set forth in [AS 14.33.120](#), [14.33.210](#), [4 AAC 06.172](#) and [4 AAC 06.250](#).

The district will submit annual reports to the Department of Education and Early Development, as required by law. These reports will permit assessment of the district's School Discipline and Safety program.

**Note:** One of the purposes of the school disciplinary and safety program is to protect and support teachers who enforce standards of student behavior and safety in the classroom. [AS 14.33.110\(3\)](#). The law provides that a teacher, teacher's assistant, a principal, or another person responsible for students may not be terminated or otherwise subjected to formal disciplinary action for lawful enforcement of a school disciplinary and safety program, including behavior standards. [AS 14.33.130](#). It is recommended that a district desiring to take disciplinary action against a staff member for unreasonable or unlawful enforcement of student discipline should contact legal counsel. Finally, school employees are also protected from civil liability for acts or omissions arising out of enforcement of the disciplinary and safety program while in the course of employment, unless the act constitutes gross negligence or reckless or intentional misconduct. [AS 14.33.140](#) and the No Child Left Behind Act.

The School Board desires to give all administrators, teachers, and other employees the authority they need to implement and

enforce the discipline and safety program. Personnel should adhere to lines of primary responsibility so that appropriate decision-making may take place at various levels in accordance with School Board policy and administrative regulations. In fulfilling duties and responsibilities in student discipline and safety, all employees shall comply with School Board policies, administrative regulations, and local, state, and federal laws. Employees will not be formally disciplined for enforcement of student discipline and safety rules so long as the enforcement is reasonable, lawful, and in compliance with School Board policies and administrative regulations.

(cf. 2110 - Organization Chart/Lines of Responsibility)

(cf. 4158 - Employee Security)

(cf. 5144 - Discipline)

(cf. 4119.21 – Code of Ethics)

(cf. 4119.3 - Duties of Personnel)

**Note:** On July 15 of each year, the Department of Education and Early Development will determine the safety status of the schools in the state. The Department will designate a school as safe, at-risk, or persistently dangerous. A district that has a school identified as persistently dangerous must provide notice within 10 days to all parents of students who attend the school that the school has been designated as persistently dangerous and that the parent has 30 days to request that the district transfer the student to a safe school within the district. A transfer must occur within 30 days of a transfer request. A district that has only one public school of the appropriate grade level is not required to create a second public school in order to offer a transfer option. Additionally, within 10 days of an incident in which a student is a victim of a violent criminal offense at school, a district shall notify the parents of the student that they may have their student transferred. If a parent requests a transfer, the district shall provide the transfer within 30 days. A student shall be eligible for a transfer if substantial evidence indicates that the student was a victim of a violent criminal offense on the grounds of the school attended by the student. If a district refuses to offer to transfer a student whom the student's parent believes was the victim of a violent criminal offense, the parent may, within 30 days of the refusal, appeal to the Commissioner of Education. Again, a district that has only one public school of the appropriate grade level is not required to create an additional public school in order to provide the option to transfer. A violent criminal offense does not have to be the subject of a criminal charge, and includes incidents that would establish the elements of the following violent criminal offenses: (1) an offense against the person under the Alaska Criminal Code, [AS 11.41.100-11.41.530](#); (2) recruiting a gang member in the first degree, [AS 11.61.160](#); and (3) misconduct involving weapons in the first degree, [AS 11.61.195](#). A parent who has exercised the parent's option to transfer a student may have the student remain in the receiving school until the student completes the highest grade level offered by that school. A district that is required to offer a student a transfer to a safe school, but that does not contain a safe school of an appropriate grade level, must offer to transfer the student to the parent's choice of any school designated at Level 2 or higher under [4 AAC 06.835](#) and work with the parent to identify other suitable educational opportunities for the student, including transfer to another district or attending a statewide correspondence school. [4 AAC 06.200-.270](#).

The School Board further desires to give all students the opportunity to learn in an environment in which they feel safe. Should any school be identified as persistently dangerous under state law, students attending that school will be provided the opportunity to transfer to the parent's choice of one of two or more safe schools within the district. Informed parental choice will be facilitated by timely notice of the meaning of the persistently dangerous designation and the intervention steps the district plans to utilize to make the school safe. Additionally, any student who is the victim of a violent criminal offense that occurred on the grounds of the student's school will be provided the opportunity to transfer, consistent with state law.

#### Legal References:

##### UNITED STATES CODE

[20 U.S.C. §§ 1400](#), et seq. Individuals with Disabilities Education Act

No Child Left Behind Act of 2001, [20 U.S.C. §§ 2361-2368](#) (P.L. 107-110)

##### ALASKA STATUTES

[11.81.430](#) Justification, use of force, special relationships

[14.03.078](#) Report

[11.81.900](#) Definitions

[14.03.160](#) Suspension or expulsion of students for possessing weapons

[14.30.045](#) Grounds for suspension or denial of admission

[14.30.180-.350](#) Education for Exceptional Children

[14.33.120-.140](#) School disciplinary and safety program

[14.33.210](#) Reporting of incidents of harassment, intimidation or bullying

##### ALASKA ADMINISTRATIVE CODE

[4 AAC 06.060](#) Suspension or denial of admission  
[4 AAC 06.172](#) Reporting of school disciplinary and safety programs  
[4 AAC 06.175](#) Reporting restraint and seclusion incidents.  
[4 AAC 06.200-.270](#) Safe schools  
[4 AAC 06.250](#) Reporting  
[4 AAC 07.010-4 AAC 07.900](#) Student rights and responsibilities  
[4 AAC 52.010-.990](#) Education for exceptional children  
[20 AAC 10.020](#) Code of ethics and teaching standards

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CSD REVISED: 10/10/07

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**Cordova School District**

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## AR 5030 SCHOOL DISCIPLINE AND SAFETY

### Report on School Disciplinary and Safety Programs

The District shall submit to the State Department of Education and Early Development the following information annually, in a format required by the Department:

#### Program Development and Review

The report shall include, for each school:

1. a description of the collaboration with community, parents, and students in development and review of the school's disciplinary and safety standards;
2. the procedures used to develop the community-based standards of school behavior and safety contained in the safety and discipline program;
3. the individuals involved in developing the standards;
4. the parameters for evaluation to assess the effectiveness of the standards; and
5. the period of review and evaluation of the standards.

#### Incident Reporting

The report shall include, for each school, the number of:

- 1) infractions involving violence against a person at school;

"Infractions involving violence against a person" means a violation of school rules in which a person was injured, was threatened with injury, or reasonably perceived a threat of injury.

- 2) infractions involving a weapon at school;

"Infractions involving a weapon" means a violation of school rules in which a student possessed, used, attempted to use, or threatened to use a weapon, regardless of whether the possession, use, or sale of the weapon was the main infraction committed.

"Weapon" means a dangerous instrument as defined in [AS 11.81.900](#), and any object or instrument that, in the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing injury.

- 3) days students were suspended for infractions involving violence against a person or infractions involving a weapon at school;
- 4) expulsions for infractions involving violence against a person or infractions involving a weapon at school;
- 5) transfers requested and provided under [4 AAC 06.210](#) (persistently dangerous schools); and [4 AAC 06.240](#) (parent request to remain in transfer school);
- 6) victims of violent criminal offenses as determined under [4 AAC 06.230](#);
- 7) truancies, as determined by District procedures; and
- 8) incidents resulting in suspension or expulsion for harassment, intimidation, or bullying on school premises or on transportation systems used by the school.

"Harassment, intimidation, or bullying" means "an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and

- (A) physically harms the student or damages the student's property;
- (B) has the effect of substantially interfering with the student's education;
- (C) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- (D) has the effect of substantially disrupting the orderly operation of the school.

Added 01/07

ADOPTED: 9/12/07

**Cordova School District**



## **BP 5131 CONDUCT**

The School Board believes that all students have the right to a public education in a positive environment free from disruptions which interfere with teaching and learning activities. In order to promote an atmosphere conducive to learning, it is imperative that the Board, parents/guardians, students, teachers and the administration be cognizant of their responsibilities related to student conduct.

### **School Board**

The Board is responsible for prescribing rules for the government and discipline of the schools under its jurisdiction. Consequences for misconduct will be fair and developmentally appropriate in light of the circumstances. The Board holds the certificated personnel responsible for the proper conduct and control of students under their charge within the behavioral guidelines established by the Board in conjunction with the administration. The Board shall provide all reasonable support to certificated personnel with respect to student conduct and discipline.

### **Superintendent**

The Designee(s) shall establish the necessary procedures to implement and enforce the Board's discipline policy. He/she shall notify the parents/guardians of all students of the availability of the district's policy and procedures related to conduct and discipline.

### **School Principal**

The school principal shall initiate and enforce a set of school rules, in keeping with district policy and regulation, which facilitate effective learning and promote attitudes and habits of good citizenship.

The principal or designee shall provide instruction to students regarding their rights and responsibilities.

The principal shall support the classroom teacher in his/her efforts to promote improved and acceptable behavior in students.

### **Teachers**

Appropriate classroom behavior allows teachers to communicate more effectively with students. Teachers shall conduct a well-planned effective classroom program and initiate and enforce a set of classroom regulations that facilitate effective learning.

Teachers shall cooperate with administrators and other classroom teachers in enforcing general school rules and appropriate campus behavior.

### **Parents/Guardians**

Parents/guardians are expected to comply with the laws governing the conduct and education of their children. They shall also be expected to cooperate with school authorities regarding the behavior of their children. Parents/guardians may be held liable for misconduct of their children to the extent provided by law.

### **Students**

Students shall be properly instructed in the rules and regulations pertaining to acceptable conduct as set by the Board. All students shall comply with the regulations of the school district, comply with the course of study and submit to the authority of the teachers and administration of the schools.

Students should have the freedom and be encouraged to express their individuality in any way as long as their conduct does not infringe upon the freedom of other students or interfere with the instructional program.

*(cf. 5145.2 - Freedom of Speech/Expression)*

Students who violate the law or the rules and regulations of the school district may be subject to the transfer to alternative programs, discipline, suspension, or expulsion.

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension/Expulsion/Due Process)*

*(cf. 5131.43 - Bullying)*

Legal Reference:

ALASKA STATUTES

[14.33.110 - .140](#) Required school disciplinary and safety program

ALASKA ADMINISTRATIVE CODE

[4 AAC 07.010 - 4 AAC 07.900](#) Student Rights and Responsibilities

No Child Left Behind Act, Title IV, §. 4115, P.L. 107-110 (2002)

COURT DECISIONS

[Goss v. Lopez](#), 419 U.S. 565 (1975)

Revised 1/03

ADOPTED: 5/11/05

**Cordova School District**

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## **BP 5131.41 VIOLENT AND AGGRESSIVE CONDUCT**

Students and staff have the right to feel safe and secure in their classrooms and while on school property or at school events. There are certain behaviors that, if tolerated, would quickly destroy the safe learning environment to which the students and staff are entitled. These behaviors, categorized as violent and aggressive, will not be tolerated and will result in immediate corrective action. The Superintendent shall develop procedures for the reporting of violent and aggressive behavior to appropriate law enforcement authorities.

*(cf. 3515 - School Safety and Security)*

*(cf. 5142 - Safety)*

Violent and aggressive acts include, but are not limited to, possession, threat with or use of a weapon; physical assault; verbal abuse; intimidation; extortion; bullying; gang participation; harassment; stalking; defiance; and racial slurs.

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.4 - Campus Disturbances)*

*(cf. 5131.43 - Harassment, Intimidation and Bullying)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5136 - Gangs)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

Legal References:

### UNITED STATES CODE

Gun-Free Schools Act of 1994, [20 U.S.C. § 8921](#)

Individuals with Disabilities Education Act, [20 U.S.C. § 1400](#) *et seq.*

### ALASKA STATUTES

[11.41.100-11.41.530](#) Offenses Against the Person

[11.61.210](#) Misconduct involving weapons in the fourth degree

[11.81.900](#) Definitions

[14.03.160](#) Suspension or expulsion of students for possessing weapons

### ALASKA ADMINISTRATIVE CODE

[4 AAC 07.010 - 4 AAC 07.900](#) Student Rights and Responsibilities

Revised 3/2015

ADOPTED: 5/11/05

REVISED: 9/9/15

**Cordova School District**

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## **AR 5131.41 VIOLENT AND AGGRESSIVE CONDUCT**

Violent and aggressive conduct directed toward school district personnel and/or students will not be tolerated. Appropriate action must be taken immediately. The building administrator should follow these procedures when violent or aggressive conduct has occurred:

1. Restore order and contact proper law enforcement authorities, if appropriate;
2. Secure medical assistance, if necessary;
3. Conduct a preliminary investigation;
4. Submit a written report to the Superintendent.

Nothing in this regulation should be construed as limiting the right or duty of an individual employee or student to report incidents of violent or aggressive behavior.

Added 9/98

ADOPTED: 5/11/05

**Cordova School District**

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## **BP 5131.42 THREATS OF VIOLENCE**

Students should be educated in an environment which is free from harm and threats of harm. Threats of violence are prohibited. Students shall not make any threats, suggestions, or predictions of violence against any person or group or to the school building, whether made orally, in writing, or via email. No threat of violence will be considered a joke. Any bomb threats or threats of violence, whether or not made during school hours or on school grounds, shall result in immediate disciplinary action, up to and including suspension and/or expulsion.

The Superintendent shall report any threats of violence to the police.

All students shall report any and all threats of violence, including jokes and threats of suicide, by reporting the threat to a teacher or school principal.

The District reserves the right to hold the student responsible for any costs and/or damages incurred by the District because of a threat.

*(cf. 5131.43 - Bullying)*

Added 9/99

ADOPTED: 5/11/05

**Cordova School District**

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## BP 5131.43 HARASSMENT, INTIMIDATION AND BULLYING

**Note:** Districts must have a policy prohibiting the harassment, intimidation, or bullying of any student. [AS 14.33.200-250](#).

The School Board is dedicated to providing a safe and civil learning environment. Harassment, intimidation and bullying disrupt a student's ability to learn and a school's ability to educate. Students and staff are expected to demonstrate positive character traits and values. Conduct and speech must be civil and respectful in order to promote harmonious and courteous relations in the school environment.

(cf. 5137 - Positive School Climate)

**Note:** Disability-based harassment or bullying may deny a student equal educational opportunities under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA). Harassment or bullying of a student with a disability, on any basis, may also adversely impact the school's provision of FAPE to the student, under the Individuals with Disabilities Education Act (IDEA) and under Section 504. (See Dear Colleague Letter, Office for Civil Rights, October 21, 2014). A school's inappropriate response to bullying or harassment of a student, based on a disability, may constitute a disability-based harassment violation, by the school, under Section 504 and the ADA. Schools should address all harassment and bullying of students with disabilities by taking prompt and effective steps reasonably calculated to end the bullying or harassment, eliminate the hostile environment, prevent it from recurring, investigate if the student's receipt of appropriate services may have been affected by the bullying (if student receives IDEA or Section 504 services) and, as appropriate, remedy its effects.

Students, staff and volunteers are prohibited from engaging in any form of harassment, intimidation, or bullying while on school property, on school buses, at the bus stop, or at school-sponsored activities or functions. Students who engage in such acts are subject to appropriate disciplinary action, up to and including suspension or expulsion. Staff who engage in acts of harassment, intimidation or bullying are also subject to appropriate disciplinary action up to and including suspension and termination. Volunteers who engage in such acts will be denied the opportunity to volunteer in the future.

To promote an environment free of harassment, intimidation, or bullying, the principal or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff inservice and student instruction and counseling. Teachers shall discuss this policy with their students in age appropriate ways and assure students that they need not endure any form of harassment, intimidation, or bullying.

The district will provide parent and community information, and age-appropriate student instruction, on how to identify, respond to, and prevent harassment, intimidation, and bullying.

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(c.f. 5144 - Discipline)

(c.f. 5144.1 - Suspension and Expulsion)

### Harassment, Intimidation and Bullying Defined

Harassment, intimidation, or bullying means an intentional act, whether written, oral, electronic or physical, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and

1. physically harms the student or damages the student's property;
2. has the effect of substantially interfering with the student's education;
3. is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
4. has the effect of substantially disrupting the orderly operation of the school.

(c.f. 5145.3 - Nondiscrimination)

### Cyberbullying

**Note:** Technological advances have expanded the ways in which harassment, intimidation, or bullying can occur, including the ability to bully with anonymity and to reach a much broader audience. This language notifies students and staff that cyberbullying is not permitted and will result in disciplinary action. It is a crime, (harassment in the second degree) to repeatedly send or publish an electronic communication that insults, taunts, challenges, or intimidates a person under 18 years of age in a manner that places the person in reasonable fear of physical injury, if done with intent to harass or annoy another person. [AS 11.61.120\(a\)](#)

All forms of harassment, intimidation or bullying via electronic means, commonly referred to as cyberbullying, are prohibited. Cyberbullying also includes, but is not limited to, other misuses of technology to threaten, harass, intimidate, or bully, including sending or posting inappropriate email messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs. An individual who redistributes a cyberbullying communication can be found in violation of this policy, even if the individual did not author or create the original communication or image.

The district's computer network, including access to the Internet via that network, whether accessed on campus or off campus,

during or after school hours, may not be used for the purpose of harassment, intimidation, or bullying. Users are responsible for the appropriateness of the material they transmit over the system.

In situations in which the cyberbullying originates from a private (non-school) computer or other electronic device, but is brought to the attention of school officials, disciplinary measures may be imposed when the communication:

1. Is of a criminal nature, including but not limited to, threats of violence or harm against staff members, students, or their property;
2. Suggests or advocates physical harm to staff members or students;
3. Causes a student or staff member to experience a substantially detrimental effect on his or her physical or mental health;
4. Causes a student or staff member to experience substantial interference with academic or work performance, or with his or her ability to participate in or benefit from district services or activities;
5. Threatens vandalism to school property; or
6. Creates a significant disruption to the school's educational mission, purpose or objectives.

Disciplinary action may include, but is not limited to, the loss of computer privileges, detention, suspension, or expulsion for those committing acts of cyberbullying. In addition, any kind of threat or hate crime will be reported to law enforcement officials.

Students and staff who believe they have been the victims of cyberbullying, as described in this policy, should not erase the offending material from the system. A copy of the material should be printed and a report made under this policy.

(cf. 6161.4 - Internet)

(cf. 6161.5 - Web Sites / Pages)

## Reporting

**Note:** A school employee, student or volunteer who makes a good faith report of harassment, intimidation, or bullying is entitled to statutory immunity from suit. The immunity extends to causes of action for damages arising from a failure to remedy the reported incident or for making the report. [AS 14.33.230](#).

Students or staff members who have witnessed or have reliable information that a student has been subjected to harassment, intimidation or bullying should report the incident immediately to the principal or his/her designee, who shall promptly initiate an investigation. The investigation shall include an assessment of what actions should be taken, as appropriate, to protect the student who has been found to be the victim of harassment, intimidation or bullying. Such actions may include the provision of support services necessary to permit the student to feel safe and secure in attending school. The Superintendent/Chief School Administrator shall develop procedures to implement this policy.

## Response

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, the following factors should be considered:

1. the development and maturity levels of the parties involved;
2. the level of harm;
3. the surrounding circumstances;
4. past incidences or past continuing patterns of behavior;
5. the relationships between the parties involved;
6. the level of disruption in or interference with the orderly operation of the school.

This policy should not be interpreted to prohibit a reasoned and civil exchange of opinions or debate that is protected by law and School Board policy.

(c.f. 5145.2 - Freedom of Speech/Expression)

Conduct that does not rise to the level of harassment, intimidation or bullying may still be prohibited by other policies or rules.

(cf. 5131 - Conduct)

(cf. 5131.4 - Campus Disturbances)

(cf. 5131.41 - Violent and Aggressive Conduct)

(cf. 5131.42 - Threats of Violence)

(cf. 5131.5 - Vandalism, Theft & Graffiti)

(cf. 5137 - Positive School Climate)

Legal References:

## ALASKA STATUTES

[14.33.200](#) Harassment, intimidation and bullying policy

[14.33.210](#) Reporting of incidents of harassment, intimidation or bullying

[14.33.220](#) Reporting, no reprisals

[14.33.230](#) Immunity from suit

[14.33.250](#) Definitions

[11.61.120](#) Harassment in the second degree

## CODE OF FEDERAL REGULATIONS

[28 CFR Part 35](#), Title II of the Americans with Disabilities Act of 1990 (ADA)

[34 CFR Part 104](#), Section 504 of the Rehabilitation Act of 1973 (Section 504)

[34 CFR Part 300](#), Individuals with Disabilities Education Act (IDEA)

Revised 3/2015

CSD Revised: 10/10/07

ADOPTED: 5/11/05

REVISED: 9/9/15

**Cordova School District**

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## **AR 5131.43 HARASSMENT, INTIMIDATION AND BULLYING**

It shall be a violation for any student or staff member to harass, intimidate or bully another person while at school, traveling to and from school, or attending school-sponsored events. Moreover, it shall be a violation for any school staff member to knowingly ignore or tolerate harassment, intimidation or bullying at school or at school sponsored events.

For the purpose of this policy, school staff includes school employees, school board members, agents, volunteers, contractors or other persons subject to the supervision and control of the school district.

### **Sanctions for Harassment, Intimidation or Bullying**

Appropriate sanctions will be taken against students and/or employees who commit acts of bullying. For students, the sanctions must be appropriate to the seriousness of the incident and may include discipline, suspension, and/or expulsion in accordance with state law, district policy, administrative regulation, and student handbooks. For school staff, sanctions will be in accordance with state law, district policy, administrative regulation, collective bargaining agreements, and applicable codes of ethics.

### **REPORTING PROCEDURE**

**Note:** *A staff member or student who observes or receives a sexual image on a computer or personal electronic device should not forward that image electronically. The image should be secured and the device turned over to an administrator. Any sexual image of a minor requires reporting to OCS and/or law enforcement.*

1. Student or staff member who believes he or she has been the victim of bullying may report the alleged act to the school principal or designee. If a student is more comfortable reporting to a person other than the principal, the student may contact any school employee.
2. Any school employee, or an employee of an entity under contract with the school district, who receives a report, witnesses bullying, or has reliable information that a student has been subject to bullying shall act immediately to protect the alleged victim, if necessary, and shall immediately report the incident to the student's principal or designee for prompt investigation.
3. Upon receipt of a report of bullying, the principal or designee shall forward a timely written report of the incident and his or her response to the Safe and Drug-Free Schools Coordinator.
4. The principal or designee shall by telephone and in writing notify the parents or guardians of the students involved of the alleged bullying incident. The notice shall advise individuals involved of their due process rights.

### **Investigation and Corrective Action**

1. The principal or designee shall promptly and thoroughly investigate all alleged acts of harassment, intimidation or bullying.
2. All involved in an alleged act of harassment, intimidation or bullying shall be advised by the principal of his or her due process rights.
3. At the conclusion of the investigation, the principal shall take such disciplinary action deemed necessary and appropriate to end the misconduct and prevent its recurrence. The principal will act in accordance with the student conduct code, the teacher code of ethics, and paraprofessional code of ethics to discipline the offending party(ies).
4. Incidents of harassment, intimidation or bullying that involve criminal activity shall be reported to law enforcement.

### **False Report**

Students and staff who knowingly or willfully make a false report of harassment, intimidation or bullying, or provide false information in connection with an investigation, will be subject to disciplinary action up to and including suspension/expulsion for students and termination for staff.

### **Retaliation Prohibited**

Retaliation or reprisal against any person who reports an incident of harassment, intimidation or bullying, or cooperates in an investigation, is strictly prohibited. Any such retaliation or reprisals will result in suspension or expulsion of offending students, and disciplinary action up to termination for school employees.

Revised 6/13/2012

ADOPTED: 9/12/07





## **BP 5131.7 WEAPONS AND DANGEROUS INSTRUMENTS**

Students shall not bring to, possess, or use deadly weapons, firearms, dangerous instruments, or their replicas in school buildings, on school grounds or district-provided transportation, or at any school-related or school-sponsored activity away from school, unless written permission has been previously obtained from the Designee(s) specifically authorizing that possession or use. Students who violate this policy are subject to disciplinary action in accordance with district policy and procedures.

School employees may confiscate weapons or dangerous instruments on school grounds or at school-related or school-sponsored activities in order to maintain discipline and to protect the welfare and safety of students, staff and the public.

The district shall, by regulation, define the terms "deadly weapon," "dangerous instrument," and "firearm."

The Board shall expel any student who brings a firearm to school in violation of this policy for a period of not less than one (1) calendar year. The Board shall suspend for at least 30 days, or expel for the school year, or permanently, a student who possesses a deadly weapon other than a firearm. The district may consider requests for early reinstatement by students suspended or expelled for violations of this policy. The Superintendent shall develop procedures and conditions for early reinstatement.

The Superintendent may, on a case-by-case basis, recommend a modification of these periods of suspension or expulsion. Such modification recommendation shall involve consideration of all relevant factors, including those in aggravation and mitigation of the violation, and, for students with disabilities, whether violation of this policy is a manifestation of the student's disability.

The Superintendent shall be responsible for reporting all violations of this policy to the Board and shall make all required reports to state, local, and federal agencies. The Superintendent shall also be responsible for referring to law enforcement authorities any student who violates this policy.

*(cf. 3514 - Safety)*

*(cf. 4158/4358 - Employee Security)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

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

Legal Reference:

### UNITED STATES CODE

Gun-Free Schools Act of 1994 (Pub.L. 89-10, Title VIII, s 8001, as added Pub.L. 103- 227, Title X, s 1032(3), March 31, 1994, 108 Stat. 270.)

Individuals with Disabilities Education Act (Pub.L. 94-142)

1973 Rehabilitation Act, Section 504 Elementary and Secondary Educational Act of 1965

Americans with Disabilities Act, [42 U.S.C. Sec. 12183\(b\)](#)

### ALASKA STATUTES

[11.61.210](#) Misconduct involving weapons in the fourth degree

[11.81.900](#) Definitions

[14.03.160](#) Suspension or expulsion of students for possessing weapons

Revised 9/99

ADOPTED: 5/11/05

**Cordova School District**

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## **AR 5131.7 WEAPONS AND DANGEROUS INSTRUMENTS**

The designee(s) shall permit the possession of weapons, dangerous or deadly instruments, or their replicas at school or at school-related or school-sponsored activities only at the request of a teacher and with the assurance that such possession serves a positive, appropriate purpose. Before granting permission, the designee(s) shall verify that proper precautions have been taken to ensure that no accidents will occur and that the weapon or dangerous or deadly instrument will not be misused while under school supervision.

### **Weapons Reports**

A school employee confiscating any weapon or dangerous or deadly instrument shall deliver it to the building principal or other appropriate authority immediately.

If an employee confiscates a weapon or dangerous or deadly instrument or knows or suspects that a student possesses such a weapon or instrument which has not been confiscated, the employee shall report the matter to the principal immediately, and the principal shall take appropriate action.

When informing the principal about the possession or confiscation of a weapon or dangerous or deadly instrument, the employee shall report the name(s) of persons involved, the names of any witnesses, and the location and circumstances of the matter.

The principal shall report any possession of a weapon or dangerous or deadly instrument to the student's parents by telephone or in person, if practicable, and shall follow this notification with written notification to the parents, and shall report all violations of this policy to the superintendent.

### **Disciplinary Action**

The principal shall take appropriate disciplinary action in accordance with existing Board policies and regulations and shall report all such actions to the superintendent.

When the weapon involved is a firearm, as defined in [Section 921 of Title 18 of the United States Code](#), or a deadly weapon as prohibited in [AS 14.03.160](#), the principal shall immediately refer the matter to the superintendent for appropriate action. In cases of firearms, the Superintendent shall recommend the student's expulsion from school for a period of not less than one (1) calendar year. In cases of deadly weapons, the Superintendent shall suspend the student for a period not less than 30 days. A different period of suspension or expulsion may be justified after consideration of the matter on a case-by-case basis. The Superintendent shall consider any special circumstances involved in the violation, including those in aggravation or mitigation. The Superintendent shall also be responsible for referring to law enforcement authorities any student who violates this policy.

If the student involved has an individual education plan, an IEP team meeting will be called to determine whether there is a connection between the behavior and the disability and to determine appropriate discipline or placement of the student, in accordance with applicable law.

A student who has been suspended or expelled for violating this policy may seek early reinstatement by submitting a written request to the Superintendent. The request must identify all the reasons why the student feels that early reinstatement is appropriate. In evaluating the request, the Superintendent should consider the severity of the weapons violation, the student's discipline record, the amount of the suspension or expulsion the student has served at the time of the request, and any other relevant criteria. As a requirement of early readmission, a student must sign a written contract with the district which identifies conditions of early reinstatement. The contract shall clearly state that any violation of school rules by the student will result in immediate reinstatement of the remaining suspension or expulsion period for the prior weapon violation. A decision of the Superintendent to grant or deny a request for early readmission shall be final and the student will be notified of the decision within 10 school days.

The superintendent shall provide the Board with a written report of all violations of this policy, including the circumstances of the violation, the type of weapon involved, and the disciplinary or other action taken in response to the violation of policy.

### **Reports to State of Alaska**

In addition to the superintendent's report to the School Board of violations of the Board's policies on weapons and dangerous instruments, the superintendent shall provide a report to the Alaska Department of Education with a description of the circumstances surrounding expulsions imposed under Board policy relating to violations of the Board's policy on weapons and dangerous instruments. This report shall include, at a minimum, the following information:

1. The name of the school concerned,
2. the number of students expelled from such school, and
3. the types of weapons or dangerous instruments concerned.

### **Definitions**

The term **"Firearm"** shall have the meaning as defined in [section 921 of Title 18, United States Code](#).

The terms **"Deadly Weapon," "Weapon," and "Dangerous Instruments"** are defined as anything designed for and capable of causing death or serious physical injury, including, to the extent they are not already included in the above definition, any pistol, revolver, rifle, shotgun, air gun, spring gun or zip gun, any bomb or other explosive, including fireworks, any poison, any dangerous or deadly gas, any slingshot, bludgeon, nightstick, straight razor or throwing star, brass knuckles or artificial knuckles of any kind, any knife, axe, or club.

The term **"parent,"** shall include legal guardians, foster parents, or other individual(s) who have a similar legal responsibility for the child.

*(cf. 3514 - Safety)*

*(cf. 4158/4258/4358 - Employee Security)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

Revised 9/97

Revised 9/98

ADOPTED: 5/11/05

**Cordova School District**

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## BP 5144 DISCIPLINE

**Note:** [4 AAC 07.010](#) mandates districts to adopt policies regarding student rights and responsibilities including substantive and procedural matters related to student behavior, treatment, and discipline. [4 AAC 07.010](#) further mandates a uniform discipline policy throughout the district and prohibits the use of corporal punishment. [4 AAC 07.050](#) requires Board review of these policies every three years.

The School Board believes that one of the major functions of the public schools is the preparation of youth for responsible citizenship. The district shall foster a learning environment which reinforces the concepts of self-discipline and the acceptance of personal responsibility. Students are expected to progress from being adult-directed to self-directed with minimal application of disciplinary measures.

The Board recognizes that there must exist certain disciplinary policies and regulations relating to student conduct which delineate acceptable behavior and provides the basis for sound disciplinary practices within each school in the district in order to maintain an environment conducive to learning. These policies and regulations will be enforced fairly and uniformly and consistently without regard to race, creed, color or sex.

(cf. 5131 et seq. - Student Conduct)

The administration, teachers and classified staff share mutual responsibility for the enforcement of district policies and regulations pertaining to student conduct and safety. The Board shall give reasonable support and assistance to employees with respect to student discipline. The Board shall review its policies related to student rights and responsibility at least once every three years and shall modify its policies as needed in accordance with law.

The Board recognizes that not all students will adhere to district rules for appropriate behavior. Sufficient support services shall be provided so that continually disruptive students will not be returned to regular classes without some modification of behavior. Students may be assigned to other alternative programs or be subject to removal from school.

Good discipline is more than the maintenance of school and classroom order. It has the ultimate objective as the development of socially approved self-control with due respect for democratically constituted authority. Policies and practices of discipline shall be such as will help achieve this broad objective while at the same time achieving the immediate objective of maintaining the desired degree of order in the school. It is the duty of all teachers to be a model of, and responsible for, good order and protection of property and person wherever he/she may be. To overlook an infraction without taking action is condoning the very act. Consistency is a requirement.

Discipline in the Cordova School District is based upon a guidance-counseling philosophy designed to produce behavioral change that will enable students to develop the self-discipline necessary to function successfully in their educational and social environments.

The major objectives of the school discipline program are to teach the following fundamental concepts for living with the understanding that limits and bottom-lines are an essential element in any successful society and organization:

- A. Understanding and respect for the rights, dignity, and safety of all individuals.
- B. Understanding and respect for the law, district policies, procedures, rules, and regulations.
- C. Understanding of and respect for public and private property rights.
- D. Choice of behavior and subsequent outcomes.

The Board of Education seeks to assure a school climate which is appropriate for learning and which assures the safety and welfare of personnel and students. The superintendent will develop rules, procedures, and standards whereby those students who are disruptive of the educational setting or who endanger the safety of others will receive corrective counseling and/or be subject to disciplinary sanctions.

A student whose conduct or condition is seriously detrimental to the best interests of the school may be suspended or expelled in accordance with administrative procedures and rules established by the superintendent. Such rules and procedures will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole.

### In-School Suspension

In an effort to establish disciplinary procedures that are effective in reducing student truancy and misbehavior and do not interrupt the educational process, the School Board, Superintendent, or designee may authorize in-school suspension as an alternative to out-of-school suspension. In-school suspension removes the student from the school social scene while still requiring him/her to maintain the same basic school day schedule and to keep up with required academic assignments. Failure to serve in-school suspension or removal from the in-school suspension program for disciplinary reasons shall result in out-of-school suspension or additional time assigned.

(cf. 5144.1 - Suspension and Expulsion)

Each principal shall publish school rules for student discipline which describe the school's behavior management plan and consequences for student misconduct. Special care shall be taken when developing school rules to solicit the views of the

school community, including administrators, teachers, school security personnel, parents/guardians and students.

School site rules must be strictly based on district policy, regulation and state and federal laws and be enforced fairly and uniformly. The Designee(s) shall establish procedures for the approval of such rules.

**Note:** [4 AAC 07.030](#) requires districts at the beginning of the school year to make available to parents/guardians, students, and staff copies of district policies regarding student rights and responsibilities and to post such policies in accessible locations throughout the year.

At the beginning of each school year, the Designee(s) shall ensure that every student and his/her parents/guardians are notified in writing of the availability of Board policies and administrative regulations related to student rights and responsibilities. Such policies shall be posted in accordance with law.

### **Corporal Punishment**

**Note:** The use of corporal punishment is prohibited in Alaska's schools. [4 AAC 07.010](#). Corporal punishment is defined as the application of physical force to the body of a student for disciplinary purposes. [4 AAC 07.900](#). School districts must adopt standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described in a criminal statute, [AS 11.81.430\(a\)\(2\)](#). That statute provides for the use by a supervising teacher of reasonable and appropriate nondeadly force if authorized by school regulations adopted by the school board. [AS 14.33.120\(a\)\(4\)](#). However, effective October 2014, the legislature enacted [AS 14.33.125-127](#), which defined and established limitations on the use of restraint and seclusion of students. (See BP 5142.3).

Corporal punishment is prohibited by law as a disciplinary measure against any student. School administrators and teachers shall employ other means of disciplining students. Restraint and seclusion, if used in full compliance with applicable law, is not corporal punishment.

(cf. 3514 - Safety)

(cf. 4158 - Employee Security)

(cf. 5142.3 - Restraint and Seclusion)

### **Reporting to Law Enforcement**

In addition to subjecting a student to discipline, any crime committed by a student while at school, on school grounds, or during any school sponsored activity on or off campus shall be reported to law enforcement. Criminal proceedings are independent of actions taken by the School District. The District may impose discipline for misconduct regardless of whether criminal charges are filed or a conviction is obtained. The Superintendent should ensure cooperation with law enforcement in the criminal investigation of students who commit crimes while under the jurisdiction of the school.

(cf. 1410 - Interagency Cooperation for Student and Staff Safety)

### **Legal References:**

#### ALASKA STATUTES

[11.81.430](#) Justification, use of force, special relationships

[11.81.900](#) Definitions

[14.33.120-.140](#) School disciplinary and safety program

#### ALASKA ADMINISTRATIVE CODE

[4 AAC 07.010-4 AAC 07.900](#) Student rights and responsibilities

[4 AAC 06.175-177](#) Reporting and training on restraint and seclusion

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ADOPTED: 5/11/05

REVISED: 09/09/15

**Cordova School District**

## AR 5144 DISCIPLINE

Philosophy of discipline: To encourage positive behavior that enables all students at Cordova Junior/Senior High School to achieve academic and social success. In order to insure a safe and drug free learning environment, the following schedule of behavior and consequences in order of priority of concern has been established.

### 1. Fighting/Violence/Vandalism

1st offense may result in the following:

1. mutual combat - 3 school days suspension (in house or at home)
2. assault - 3 to 10 school days suspension (in house or at home), report to police, anger management class/counseling and monitoring required
3. vandalism - 1 to 3 school days suspension (in house or at home) plus financial restitution

2nd offense may result in suspension or an expulsion hearing before the Superintendent and the School Board

### 2. Alcohol, Illegal Drugs and Tobacco

The use and/or possession of products containing tobacco, alcoholic beverages and drugs and drug paraphernalia are prohibited in all school buildings, on school grounds, and at all school activities, including parties, dances, athletic events, and school-sponsored trips of any kind. The school district strongly supports drug-free schools and discipline measures to assure that the schools stay drug-free.

Use or possession of illegal drugs/alcohol or drug paraphernalia on campus or at school sponsored function.

1st offense will result in the following;

1. 5 school days suspension (at home)
2. Report to police
3. 6 to 9 weeks extra curricular suspension

The student shall complete the following before re-admission to school:

1. Undergo a drug assessment
2. Participate in a conference with parent and school administrator and sign a behavior contract.

Upon re-admittance to school, the student shall:

1. Follow through on assessment recommendations.
2. The student will be on probation for a period of six (6) months during which their behavior will be closely monitored.
3. Complete 10-24 hours of school service as approved and verified by the principal.

2nd offense will result in the following:

1. Immediate removal from regular school and assignment to attend alternative school.
2. Participate in a conference with parent and school administrator.

Upon re-admittance to school, the student shall:

1. Follow through on assessment recommendations.
2. Student shall be on probation for a period of nine (9) months, and will be subject to random urine analysis.
3. Complete 48-72 hours of school service as approved by the principal.

3rd offense will result in the following:

- He/she shall be reported to the police and expelled from the Cordova School District as outlined in Board Policy 5144.1.

### 3. Act of defiance (verbal/physical/dress), inappropriate behavior

1st and 2nd offense may result in the following:

- 1 to 3 school days suspension (in house or at home) and counseling required.

### 4. Truancy or unexcused absence for 1 or more periods for reasons not approved by Alaska law; illness, doctor appointments, family illness, funerals or parent advanced makeup.

1. 1 to 3 school days suspension (in house or at home) {all missed work must be made up}.
2. Parents will be notified and counseling will be required.



3. Assignments/tests and other work given during the period of time of truancy cannot be made up - as a natural consequence of the students action.

4. Assignments and tests given during the days of in house suspension must be completed to receive full and complete grades.

**5. Tobacco use or possession: at/or during school and/or school activities**

1st offense may result in the following:

1 to 3 school days suspension (in house), parent and police notification of each offense.

2nd offense may result in the following:

2 to 5 school days suspension (in house or at home), parent and police notification of each offense.

3rd offense may result in the following:

3 to 6 school days suspension (in house or at home)

**6. Tardiness**

Each occurrence will result in being assigned a 25-minute lunch detention.

**7. Discriminatory Harassment/Sexual Harassment**

1st offense will result in the following:

1-3 days suspension (n house or at home)

2nd offense will result in the following:

3-10 days suspension (in house or at home)

counseling required

3rd offense will result in the following:

3-10 days suspension (in house or at home) and/or expulsion hearing before Superintendent and School Board

counseling required

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**Cordova School District**

## **BP 5144.1 SUSPENSION AND EXPULSION**

The School Board recognizes that maintaining an environment which promotes learning and protects the health, safety, and welfare of all students may require the suspension or expulsion of a student from regular classroom instruction. District policies and school site rules shall clearly identify student behavior standards.

*(cf. 5131 - Student Conduct)*

*(cf. 5144 - Discipline)*

*(cf. 6154 - Homework/Make-up Work)*

The Superintendent or principal may impose suspension when other means of correction fail to bring about proper conduct or for serious misconduct.

The Board may expel a student for severe or prolonged breaches of discipline. Except for single acts of a grave nature, expulsion is usually used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to other students.

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the suspension or expulsion.

The Board shall provide for the fair treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall specify procedures for notices and appeals.

*(cf. 3514 - Safety)*

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

*(cf. 6164.3 - Student Mental Health - Medication and Services)*

Legal Reference:

### ALASKA STATUTES

[14.03.160](#) Suspension or expulsion of students for possessing weapons

[14.30.045](#) Grounds for suspension or denial of admission

[14.30.047](#) Admission or readmission, when cause no longer exists

[14.30.172](#) Communications not prohibited

### ALASKA ADMINISTRATIVE CODE

[4 AAC 06.060](#) Suspension or denial of admission

[4 AAC 07.010 - 4 AAC 07.900](#) Student rights and responsibilities

### COURT DECISIONS

[Goss v. Lopez](#), 419 U.S. 565 (1975)

Revised 01/07

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REVISED: 10/10/07

**Cordova School District**

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## **AR 5144.1 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 parent/guardian 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 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. While on school grounds.
2. While going to or coming from school or a school-sponsored activity.
3. 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 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, safety or morals of other students or the student's presence represents a danger to persons or property or threatens to disrupt the instructional process.

If the expulsion of a suspended student is being considered by the Board, the Superintendent or designee 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)*

### **Short Term Suspension Procedures (10 days or less)**

#### **1. Informal Conference**

Suspension shall be preceded by an informal conference conducted by the Superintendent or principal, and shall include the student, and whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to explain his/her version and evidence in support of his/her defense.

If at the end of this discussion the Superintendent or principal believes the student is guilty of the misconduct charged, the student may be suspended for 10 days or less.

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school.

#### **2. Administrative Actions**

All requests for student suspension are to be processed by the principal of the school in which the student is enrolled at the time of the misbehavior.

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee, who in turn will inform the Board.

#### **3. Notice to Parents/Guardians**

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by

telephone or in person. Whenever a student is suspended, the parent/ guardian shall be notified in writing of the suspension.

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

No penalties may be imposed on the student for the failure or refusal of the parent/guardian to meet with school authorities. The student may not be denied readmission solely because the parent/ guardian failed to meet with school authorities.

### **Long Term Suspension (*more than 10 days*)**

Where alleged misconduct of a student warrants a suspension of more than 10 days, the student will be provided the opportunity for a hearing as outlined under the expulsion procedure. The long term suspension procedure does not preclude a student from being suspended for up to 10 days if procedures for short term suspension have been followed.

A student requesting a hearing regarding a long term suspension will be readmitted in the program (at the end of a short term suspension if applicable) pending the outcome of the hearing except where the superintendent determines that the student's presence in school poses a threat to harm to him or herself or others.

### **Authority to Expel**

A student may be expelled only by the Board.

The Superintendent or principal shall recommend a student's expulsion for any of the following acts, unless the principal or Superintendent finds, and reports in writing to the Board, that expulsion is inappropriate due to particular circumstances which shall be set out in the report of the incident:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any firearm, knife, explosive or other dangerous object at school or at a school activity off school grounds.
3. Unlawful sale of any controlled substance.
4. Robbery, extortion, or the conviction of any other felony which will cause the attendance of the student to be injurious to the welfare or education of other students.

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

### **Expulsion Procedures**

#### **1. Student's Right to Hearing**

The student is entitled to a hearing to challenge the recommendation that the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that cause for expulsion exists.

If the Board finds it impracticable to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

#### **2. Written Notice of the Hearing**

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten calendar days before the date of the hearing. The notice shall include:

- a. The date and place of the hearing.
- b. A statement of the specific facts and charges upon which the proposed expulsion is based.
- c. A copy of district disciplinary rules which relate to the alleged violation.
- d. The opportunity for the student or the student's parent/guardian to appear in person and/or to employ and be represented by counsel.
- e. The right to inspect and obtain copies of all documents to be used at the hearing.
- f. The opportunity to confront and question all witnesses who testify at the hearing.
- g. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

#### **3. Conduct of Hearing**

a. Executive Session: The Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If

such request is made, the meeting shall be public.

b. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, so long as a reasonably accurate written and complete transcription of the proceedings can be made.

c. Presentation of Evidence: While technical rules of evidence do not apply to such hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure may subject them to an unreasonable risk of harm.

In cases where a search of a student's person or property has occurred, evidence describing the reason for conducting the search shall be included in the hearing record.

*(cf. 5145.12 - Search and Seizure)*

#### 4. Alternative Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may appoint a hearing officer or an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled.

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board.

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated.

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order.

The hearing officer or administrative panel may recommend that the Board suspend the expulsion (see below).

#### 5. Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel must be taken by the Board at a public meeting. The Board shall maintain a record of each expulsion, including its cause.

Upon ordering the expulsion, the Board may recommend a plan for the student's rehabilitation, which may include:

- a. Periodic review and assessment at the time of application for readmission.
- b. Recommendations for counseling, employment, community service and other rehabilitation programs.
- c. Such other recommendations as the Board approves, such as enrollment in a drug rehabilitation program, if appropriate, before returning to school.

*(cf. 6164.3 - Student Mental Health - Medication and Services)*

#### 6. Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian.

#### 7. Readmission

The following behavior is unacceptable at all school contests:

#### 8. Berating an opponent's school or mascot.

#### 9. Berating opposing players.

#### 10. Suspension of Expulsion 10. Obscene cheers or gestures.

#### 11. Negative signs.

12. The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year and may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. When deciding whether to suspend an expulsion, the Board shall take into account the following criteria: 12. Painted faces.

#### 13. Use of noisemakers.

- a. The student's previous behavior. 7. Words or gestures of complaint about officials' calls.

- b. The seriousness of the misconduct. Game programs and the announcers shall explain and promote sportsmanship expectations.
  - c. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program. Prior to the contest, each principal shall emphasize the importance of sportsmanlike behavior to coaches, players, cheerleaders and spectators in rallies, team meetings, faculty meetings, spirit club meetings, school bulletins and/or public address announcements. At least one day before the contest, the principals or designees of competing schools shall discuss the upcoming event and strategies to promote a sportsmanlike environment for the contest.
14. During this period the student shall be on probationary status.
15. The suspension of expulsion order may be revoked by the Board if the student commits any of the acts which would constitute grounds for suspension or expulsion or violates any of the district's rules and regulations governing student conduct.
16. When the suspension of expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
17. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon rein-statement, the Board may order the expungement of any or all records of the expulsion proceedings.
18. Suspension of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order.
19. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian.

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**Cordova School District**

## AR 5144.2 SUSPENSION AND EXPULSION (STUDENTS WITH DISABILITIES)

A student receiving special education services is expected to follow the same behavior and conduct rules applicable to all students and is subject to discipline as set forth in those rules. The procedural safeguards established by district policies and regulations shall be observed in considering the suspension of special education students. In addition, students receiving special education may have additional rights relating to discipline and continuing services as set forth in the Individuals with Disabilities Education Act ("IDEA").

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student with a disability who violates behavior and conduct rules.

A student who has not been identified as a student with disabilities pursuant to the IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards under this administrative regulation only if the district had a basis of knowledge that the student had a disability before the behavior occurred.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

*(cf. 5144.1 - Suspension and Expulsion)*

*(cf. 6164.4 - Child Find)*

### Removal for Up to 10 Days

District personnel may suspend a special education student for up to ten school days per year without providing educational services. The days need not be consecutive. Removals for up to ten school days may be out of school suspensions, or, alternatively, an interim alternative educational setting or another setting. Parents must be immediately notified of the discipline decision.

### Removal for More Than 10 Days or Placement in an Interim Alternative Educational Setting

Students whose suspension constitutes a change in placement must continue to receive a free and appropriate public education. This means that beginning with the change in placement for disciplinary purposes, educational services must continue to be provided and procedural protections are triggered.

A change in placement occurs if:

- 1) The removal is for more than 10 consecutive school days; or
- 2) The student has been subjected to a series of removals that constitute a pattern because:
  - a) the series of removals total more than 10 school days in a school year;
  - b) the student's behavior is substantially similar to the behavior in previous incidents that resulted in removal; and
  - c) such additional factors support a pattern such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

The District shall determine whether a pattern of removals constitutes a change in placement. This determination is subject to review through due process or judicial proceedings.

The parents shall be immediately notified of the discipline decision and provided a notice of procedural safeguards on the day the change in placement decision is made.

### Manifestation Determination

When a change in placement is contemplated for disciplinary purposes, the District must conduct a manifestation determination.

#### A. Timeframe for Making Determination

Within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of student conduct rules, a manifestation determination shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

#### B. How Determination is Made

In making a manifestation determination, the District, the parent, and relevant members of the student's IEP team (as determined by the District and the parent) must review all relevant information in the student's file, including the student's



IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. if the conduct in question was the direct result of the District's failure to implement the IEP.

#### C. Manifestation is Found

If the District, the parent, and relevant members of the IEP team determine that either of the conditions above is met, the conduct shall be determined to be a manifestation of the student's disability. If the team determines that the student's conduct is a manifestation, then the child's placement cannot be changed except via the IEP team process. If a manifestation is found, the IEP team must either:

1. conduct a functional behavioral assessment, unless the District had already conducted one prior to the behavior leading to the change in placement, and implement a behavioral intervention plan for the student; or
2. if a behavior intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior; and
3. except under special circumstances for drugs, weapons or serious bodily injury as set forth below, return the student to the placement from which the student was removed, unless the parent and the District agree to a change of placement as part of the behavior intervention plan.

#### D. No Manifestation is Found

If it is determined that the conduct is not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration as applied to students without disabilities, except that a free appropriate public education must continue to be provided. The educational services may be provided in an alternate setting.

#### E. Drugs, Weapons, or Serious Bodily Injury

For violations of school policies involving weapons, drugs, or serious bodily injury, school personnel may remove a student to an interim alternative educational setting for up to a maximum of 45 school days without regard to whether the behavior is a manifestation of the student's disability. The interim alternative educational setting shall be determined by the IEP team.

Removal under these special circumstances is available for infractions where a student:

1. carries or possesses a weapon to school or at school, on school premises, or to or at a school function; or
2. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. has inflicted serious bodily injury upon another person while at school, or on school premises, or at a school function.

### Disciplinary Appeals

In accordance with IDEA, the parent of a student with a disability who disagrees with any decision regarding a change in placement or a manifestation determination may request a due process hearing. Similarly, the District may request a hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others.

A hearing officer shall hear, and make a determination regarding, an appeal. The State of Alaska Department of Education and Early Development and the District shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

In making the determination on appeal, the hearing officer may order a change in placement of a student with a disability. In such situations, the hearing officer may:

1. return the student to the placement from which the student was removed; or
2. order a change in placement to an appropriate 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.

#### Placement during appeals:

When an appeal has been requested by either the parent or the District, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for deciding the hearing, whichever occurs first, unless the parent and the District agree otherwise.

#### Dangerousness:

A hearing officer may place a student in an appropriate interim alternative educational setting on the grounds of dangerousness if there is a substantial likelihood of injury to the student or others if the student remains in his current

placement. Such placement may be ordered for up to 45 days at a time.

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**Cordova School District**

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