

### KPBSD Policy Manual

#### **Students** **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 (Students with Disabilities)*)

1. Parents, or students who have reached the age of majority, who wish to appeal disciplinary decisions exceeding ten (10) school day suspensions, shall submit their appeal to the Principal on the prescribed [E 5144.11\(a\) 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) school 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\(a\) Notice of Appeal](#) Student/Parent Discipline Appeal )

## AR 5144.11 Due Process

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AR 5144.11

2. The Principal, Superintendent 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 electronically by the hearing officer within five (5) school days of the hearing. Appeals of recommendations for expulsion will ascend directly to the 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 five (5) school 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 five (5) school days of receipt of the hearing officer's decision. The Superintendent will conduct the hearing. Hearing procedures shall conform to those of a formal hearing defined elsewhere in this regulation. The purpose of the Level II hearing is to review the Level I decision and to determine whether sufficient evidence existed to support the hearing officer's decision. A decision shall be issued by the Superintendent within five (5) school days and shall be sent electronically to the school, student and parent/guardian.
  4. Decisions of the Superintendent regarding suspensions may be appealed in writing to the Board within five (5) school days of receipt of the Superintendent's decision via electronic mail. The Board shall conduct a hearing at the next available regular meeting and the Board's decision shall be distributed within three (3) school days.

**KENAI PENINSULA BOROUGH SCHOOL DISTRICT**

**Revised:**