 <p>TUSD Tucson Unified School District <i>Celebrate the US!</i> Tucson, Arizona</p> <p>GOVERNING BOARD POLICY</p>	POLICY TITLE: Student Discipline
	POLICY CODE: JK

Student Discipline

A Student Code of Conduct (entitled *Guidelines for Student Rights and Responsibilities*), describing this policy and the disciplinary procedures utilized by the District shall be made available to all students and their parent(s)/guardian(s) as required by A.R.S. §15-843. All disciplinary actions shall be in accordance with these *Guidelines for Student Rights and Responsibilities* which are incorporated herein by reference.

The *Guidelines for Student Rights and Responsibilities* is are in force during regular school hours, while being transported on the school bus, and at times and places where appropriate school administrators have jurisdiction over students, including, but not necessarily limited to school-sponsored events, field trips, athletic functions, going to and from school and other activities. Additionally, the principal is authorized to take administrative action when a student's misconduct away from school has a detrimental effect on the other students or on the orderly educational process.

To ensure fairness, a student whose conduct may warrant discipline, suspension or expulsion will be provided due process as required by law. The Superintendent is responsible for establishing Administrative Regulations that set forth the discipline process including the process for hearing and appealing long-term suspensions or expulsions and for ensuring appropriate staff training on these procedures.

Students with disabilities – Because the Individuals with Disabilities Education Act (IDEA) requires additional procedural safeguards, all district personnel administering discipline to students will always follow discipline procedures for students with disabilities when dealing with a student in the exceptional education programs or Section 504. (See Governing Board Policies JKAA and JKAB Guidelines for Student Rights and Responsibilities and the Section 504 and Exceptional Education Procedures Manuals)

The following school officials have the authority to suspend the student from school in order to enforce acceptable standards of conduct. The Superintendent, Assistant Superintendents, Principals, Assistant Principals and Principal Designees are authorized to suspend students.

Pursuant to A.R.S. 15-841, teachers may remove a pupil from the classroom if the teacher has documented that the pupil's behavior is so unruly, disruptive or abusive, that the teacher is unable to communicate effectively with the other pupils in the classroom or that the other pupils are unable to learn as a result of the pupil's conduct. If the teacher objects to the readmission of the pupil to the classroom, a placement review committee as set forth in Article Fourteen (14) of the Consensus Agreement shall convene to determine whether the pupil's return to that classroom is the best or only practicable alternative.

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All suspensions shall be reported within five days to the Governing Board.

Expulsion

Expulsion is the permanent withdrawal of the privilege of attending any school in the district unless the Governing Board reinstates the student's privilege to attend school in the district. Only the Governing Board may expel a student.

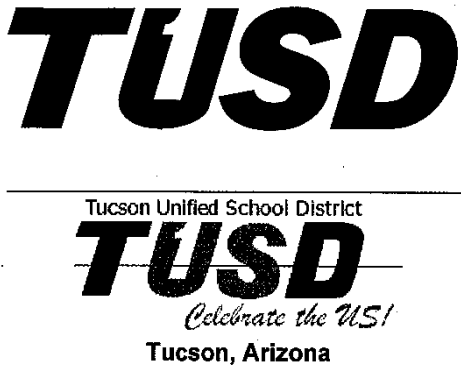
**TUCSON UNIFIED SCHOOL DISTRICT
TUCSON, ARIZONA**

Adopted: August 16, 1960
Revised: October 21, 1969
Revised: January 19, 1971
Revised: December 17, 1974
Revised: March 21, 1978
Revised: August 29, 1978
Revised: October 17, 1978
Revised: August 16, 1983
Revised: April 8, 1986
Revised: September 15, 1987
Revised: November 22, 1988
Revised: July 11, 1989
Revised: July 9, 1991
Revised: June 9, 1992
Revised: October 5, 1992
Revised: May 25, 1995
Revised: January 14, 2003
Revised: March 24, 2009 [Effective beginning with disciplinary infractions in the 2009-2010 school year.]
Revised: December 5, 2012 [Cross Reference Correction Only]

LEGAL REF.: A.R.S. §§ 15-341, 15-342, 15-840 – 15-844

CROSS REF: JB – Equal Educational Opportunities and Anti-Harassment
JI – Rights and Responsibilities
JICA – Student Dress
JICFA – Hazing
JICFB – Bullying, Intimidation and Harassment
JICG – Tobacco Use by Students
JICH – Drug and Alcohol Use by Students
JICI – Weapons in School
JICJ – Use of Cell Phones and Other Electronic Signaling Devices
~~JKAA – Discipline, Suspension, Expulsion for 504 Handicapped Students~~
~~JKAB – Discipline of, and Alternative Interim Placements for Special
Education Students~~

~~JK – Student Discipline 12-5-12~~

 <p>TUSD</p> <p>Tucson Unified School District</p> <p>TUSD</p> <p><i>Celebrate the US!</i></p> <p>Tucson, Arizona</p> <p>POLICY REGULATION</p>	<p>POLICY TITLE: Student Discipline – Short-Term Suspension</p>
	<p>POLICY CODE: JK-R1</p>

Short-Term Suspension

Definitions

Most terms used in this document are defined in context. Since certain terms are not necessarily contextually defined, they are given immediately below.

“Abeyance Contract” is a contract between the parent, student and the school that sets forth the conditions under which the school agrees to not impose a suspension. If the student violates the agreement, the suspension will automatically be reinstated at that time without further process.

“Violation” is conduct which is prohibited at the District and which is identified as a violation in the “Guidelines for Student Rights and Responsibilities.”

“Parent” refers to a single parent, both parents, or to the person or persons with legal custody of the student.

“School Official” refers to any person granted the power to suspend students by the Governing Board.

“Short-Term Suspension” is the removal of a student from school and school activities for a period of time from a fraction of one (1) day through ten (10) school days’ duration.

“Short-Term Pending Long-Term Suspension” is the initial removal of a student from school pending the formal due process proceedings required for long-term suspensions.

Classification of a Violation

It is the responsibility of the administrator to determine the appropriate classification of a violation of the Code of Conduct after considering the facts of the incident and a careful

review of the definitions of violations. The classification of the violation will determine the options available for consequences for the misconduct. The administrator shall determine whether appropriate interventions and restorative practices are called for or whether earlier restorative practices have been unsuccessful in correcting the misbehavior. Administrators shall make every effort to avoid exclusionary consequences while ensuring the safety of the school environment.

If the administrator believes that a more serious consequence is necessary than those options available for the level of offense, the administrator may request approval from the Assistant Superintendent or Director for a higher level consequence than that assigned to the violation. The Request for Elevation of Consequences must be documented by completing the request form JK-R1-E3.

Short-Term Suspension Procedures:

1. Required Rudimentary Due Process

- a. As soon as possible following an alleged violation, the student will be given oral or written notice of the alleged misconduct.
- b. If the student denies the allegation, the school official will explain the evidence of the misconduct to the student.
- c. The school official will give the student the opportunity to present the student's own version of the situation.
- d. The three elements given above constitute the "rudimentary due process" required before any disciplinary action may be taken.
 - i. This due process procedure may be accomplished in a matter of minutes. Its purpose is to ensure that the facts of the situation are as clear as possible to the people concerned before any action is taken.
 - ii. The school official implementing the procedure is a fact finder. That school official must be satisfied that the student in fact did what the student was accused of doing.
 - iii. This due process procedure shall be used in any disciplinary action whether it results in in-class/school discipline or short-term suspension.
 - iv. A student may be immediately removed from school without prior use of the due process procedures described for the above if the student's presence in school poses a continuing clear and present danger to persons or property or an ongoing threat of disrupting the academic process.

However, due process will be afforded as soon as possible and prior to the imposition of discipline.

- v. The due process procedures described above must be provided as soon as practicable following the removal of a student under emergency conditions. Only under emergency conditions, such as, when the student is not available for interview, may due process be provided following the application of discipline.

2. Decision

- a. Following the informal process described above and, if the facts warrant, the student may be suspended from school for a fraction of a day through ten (10) school days. However, principals or the principal's designee must ensure that appropriate behavioral interventions have been implemented and/or considered prior to imposing an out of school suspension.
- b. The effective date of the suspension is the first date student is out of school for half of the day.
- c. If the student must be released during the normal school day, an effort shall be made to contact the parent immediately. If the parent cannot be contacted, the student shall be kept at school until the end of the normal school day.

3. Written Notification: The Suspension Notice (See JK-R1-E1)

- a. The suspension notice (JK-R1-E1), giving notice of the short-term suspension must be delivered to the student whenever possible. A copy must be mailed to the parent through first class mail no later than the first day of the suspension unless it is hand delivered that day, and ~~the~~ The school shall retain a copy in the student's cumulative record folder.
- b. Meaningful Access: The notice must be written in the home language. If the notice cannot be translated on the first day of suspension, the parent must be informed in their home language by telephone or in person.
- c. Notification of the short-term suspension must be sent to The Office of Student Equity, within three days of the effective date of the suspension.

4. Parent Conference

If at all possible, a parent conference should be held at the time of the imposition of a short-term suspension.

- i. The purpose of the parental conference is to reach a satisfactory and workable solution to the problem the student is experiencing.
 - ii. As a result of this conference, the school official may opt to offer the student and parent the opportunity to have the suspension held in abeyance through the use of an abeyance contract. (See Policy Regulation JK-R4)
 - iii. A short-term suspension may be shortened as a consequence of a parental conference, but under no circumstances may it exceed ten (10) school days. The short-term suspension imposed may not be lengthened as a means of getting the parent to come to the school.
 - iv. If the student's home language is other than English, an interpreter may be required at this conference.
5. The student is allowed access to class assignments. Homework must be made available for the parent to pick up at the school office. School staff should assist parents in obtaining the homework packet. Additional assignments will be provided only after the student has completed and returned previous assignments.
6. Limitations upon the use of the short-term suspension
 - a. Successive short-term suspensions must not be applied to avoid or postpone the formal due process procedures of the long-term suspension.
 - b. If it is necessary to remove a student from school for more than ten (10) days because of a given incident or set of circumstances, the procedure for the long-term suspension must be used. See Policy Regulation JK-R2
 - c. There is no limitation on the application of successive short-term suspensions for successive, discrete incidents if the circumstances warrant. For example, if a student was suspended for three school days for punching another student, and on the day of his return did it again, a suspension of eight days could be imposed. As long as there is a second informal hearing before the second suspension, this total of eleven days (8 + 3) does not in itself violate the ten-day limit upon a single short-term suspension. The example illustrates an instance of two suspensions for two different violations and the suspensions occurred so close in time.
7. Appeal of a Short-Term Suspension
 - a. A student or parent(s)/guardian(s) disagreeing with the decision to suspend may request a review of the school official's decision by the

school official's immediate supervisor. Such request shall be made within three school days following the imposition of the suspension. The supervisor shall consider only the following grounds in reviewing the decision:

- i. alleged denial of a right available to the student that resulted in an unfair hearing
 - ii. new evidence
 - iii. allegation of insufficient evidence
 - iv. allegation of excessive punishment
- b. The supervisory administrator may affirm the decision or reduce the discipline imposed. **The decision of the supervisor, upon review of the decision and the relevant facts available to him or her, is final.**

8. Student's Return to School Following a Short-Term Suspension
 - a. On the day of the student's return to school, an administrator must meet with the student and the student's parent for a re-entry conference.
 - b. The purpose of this conference is to review the expectations for student conduct and to review the supports that will be provided by the school to assist the student in a successful return to school.

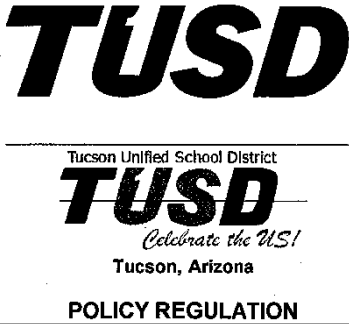
**TUCSON UNIFIED SCHOOL DISTRICT
TUCSON, ARIZONA**

Reviewed by Board:	July 11, 1989
Reviewed by Board:	July 9, 1991
Reviewed by Board:	June 9, 1992
Reviewed by Board:	May 25, 1995
Reviewed by Board:	March 24, 2009
Revised:	June 18, 2009 [Added replaced policy only]

LEGAL REF.: A.R.S. § 15-341
A.R.S. §§15-840 – 15-844

CROSS REF JFCL – Anti-Harassment Policy – Student
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JICA – Student Dress
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JICL – Bully Prohibition and Prevention
JKA – Discipline of, and Alternative Interim Placements for Special Education Students
JKAA – Discipline, Suspension, Expulsion for 504 Handicapped Students

Replaces TUSD Policy # 5060

 <p>TUSD Tucson Unified School District TUSD <i>Celebrate the US!</i> Tucson, Arizona POLICY REGULATION</p>	POLICY TITLE: Long-Term Suspension
	POLICY CODE: JK-R2

Long-Term Suspension

A Long-Term Suspension is the temporary withdrawal of the privilege of attending a school by a student for a period of time not less than eleven (11) and not more than one hundred eighty (180) consecutive school days. *Long-Term Suspensions of more than ~~forty five (45)~~thirty (30) days shall not be imposed except for violations assigned to Level 5 or for violations for which the Administrator has obtained approval for an elevated action.*

Short-Term Suspension Pending a Long-Term Suspension

If a school official is considering a long-term suspension, the school official shall initially impose a "short-term pending long-term suspension" (See Governing Board Policy Regulation JK-R1 and Exhibit JK-R1-E2)

Due Process Required for Long-Term Suspension

More formal process is required for suspensions longer than 10 school days. The elements of due process listed below must be made available for all long-term suspensions. Once fully apprised that these procedural elements are available, the parent and student may avail themselves of all of them, or they may knowingly, intelligently, and voluntarily waive them in whole or in part. School officials, and particularly those involved in the matter at hand, may not give any legal advice whatsoever (even if specifically requested to do so) to the parent or student regarding the exercising of these rights.

The procedural due process rights available throughout the process to all students who may be subject to a long-term suspension are listed below. The student is entitled to:

1. The right to representation by the parent, legal counsel, or some other adult representative authorized in writing by the parent

2. The right of the parent to be present at all proceedings
3. The right of the student, parent, or representative to reasonable access to non-privileged any evidence and the student's records prior to the hearing. (This right may be exercised at any reasonable time during regular school hours after first making arrangements with the principal or designee)
4. The right to be free from any requirements to present evidence against himself or herself
5. The right to present favorable evidence and witnesses
6. The right to question adverse evidence and witnesses presented at the proceeding
7. The right to have the testimony presented preserved at the student's own expense
8. The right to have an interpreter present, if one is necessary

Written Notification

After an initial investigation, the school official may decide that a long-term suspension is appropriate. If so, the school official-administrator making that decision will then send written notice by first class mail or hand delivered to the student and/or to the parent. (See Exhibit JK-R2-E2) A copy of JK-R2 Long-Term Suspension shall be enclosed with the written notice of suspension as well as all evidence that will be presented at the long term hearing. As with all documents pertinent to this process, a copy of this notice will be retained in the student's cumulative record file.

1. The notice must be sent no later than three (3) school days following the imposition of a short-term suspension pending long-term suspension.
2. Meaningful Access: The notice must be written in the home language. If translation services are not available, the notice may be given orally through an interpreter. Documentation of the interpretation event must be maintained.
3. ~~On or before the day the notice is delivered or mailed, the principal or designee shall make a reasonable effort to communicate verbally to the parent and the student the information contained in the written notice.~~
4. The formal Long-Term Suspension Hearing must be held within ten (10) school days of the date the short-term suspension became effective to ensure that the student will remain out of school until the final determination regarding the length of suspension.

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~~a. This is to keep the student out of school until it has been finally determined whether or not a long term suspension will be imposed. A formal hearing is required before this determination can be made.~~

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~~b. The formal Long-Term Suspension Hearing may be held later than ten (10) school days only if the following rescheduling procedures are first followed.~~

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Rescheduling Conferences and Hearings

1. A hearing may be rescheduled by a parent by submitting a written or an oral request for a continuance showing good cause to the a school official administrator. A request must propose a new date and time and must be received at least two one (21) school days prior to the date of the hearing as originally scheduled. Failure to appear without previously requesting a continuance and without prior notification shall not constitute good cause.

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2. By requesting the continuance and if the requested date for the hearing is past the ten day short term suspension, the parents waive the right of the student to return to school pending the completion of the long term hearing. If the circumstances require the hearing to be rescheduled beyond the ten (10) days for short term suspension, the student shall be readmitted pending the hearing on the long term suspension. If a long term suspension is imposed, the time spent on the applicable short term suspension shall be included in calculating the 45 day maximum. Failure to appear without previously requesting a continuance and without prior notification shall not constitute good cause.

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3. An expulsion hearing should be held within the term of the long term suspension. Within that limitation, an expulsion hearing may be rescheduled by the student or parent if a request showing good cause is received by the Superintendent or designee at least five (5) school days prior to the date of the hearing as originally scheduled.

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The Formal Long-Term Suspension Hearing

1. The hearing will be closed to the public.
2. The suspending administrator shall provide a long-term suspension hearing folder containing all documents related to the case to the school official assigned to hold the hearing, otherwise known as the hearing officer. (Exhibit JK-R2-E3)
3. The hearing officer must be an impartial fact finder. This means the hearing officer was not directly involved in the incident or its investigation and will not be a witness in the formal hearing. Additionally the suspending administrator should not discuss the case with the hearing officer prior to the hearing and should have no discussions with the hearing officer outside the hearing prior to the publication of the hearing officer's decision.
4. The student shall be afforded the due process rights as described above.
5. The hearing officer has the right to insist that all parties conduct themselves appropriately and to enforce this right in any reasonable manner.

6. The Long-Term Suspension Hearing Process

- a. The hearing officer shall first announce the appearances of all persons present.
 - i. If, on the day and at the time scheduled for hearing, neither the student nor anyone on the student's behalf appears, the school officials shall attempt to contact the parent prior to the start of the hearing. If unsuccessful or if the parent refuses to attend the hearing, the school official shall review all applicable evidence with respect to the student.
 - ii. The fact that neither the student nor anyone on behalf of the student appeared must be recorded in the written findings and recommendations to be compiled following the review.
 - iii. Due notification of the decision reached will be provided within the time which would have been required had the conference been held with all parties present. The information contained in this notice is the same as that required in the regular notice.
- b. Attorneys at Hearings
 - i. No school official may give advice of any sort to anyone on the question of whether or not an attorney should represent the student. As with all other due process rights, no advice with respect to the exercise of this right may be given by school officials, even if such advice is solicited by the student, parent, or both.
 - ii. The school official may always request that the parent or student give notice before the hearing if they intend to be represented by an attorney. But, even if such notice is not given and an attorney appears unannounced, the attorney should never be excluded; nor should the presence of the District's legal counsel be considered an absolute requirement before the hearing can proceed. An attempt to conduct the hearing according to procedure should be made even if the student has an attorney and the District does not.
 - iii. Either before or during the hearing, it may appear to the school official conducting it that there is good cause to secure the presence of the District's lawyer. The hearing may then be adjourned and rescheduled by the school official if good cause develops during the hearing. It is incumbent upon the school official holding the hearing to ensure that the reason for adjournment is understood by those present.
 - iv. Contact the Legal Department to request the presence of the District's legal counsel.
- c. The hearing officer shall then ensure that the parent(s) and student have received notice of the hearing as provided in Board Policy Regulation JK-R2. Defects in

notice may be waived by stipulation of both parties. Appearance by the parent(s) and student at the hearing without protest will be deemed a waiver of any defect in notice.

- d. The hearing officer shall then read the violation(s) alleged to have been violated into the record. The hearing officer shall inquire as to whether the student and parent understand the alleged violations.
- e. The hearing officer shall inquire whether the parent and student received a copy of this Regulation JK-R2 and the Guidelines for Student Rights and Responsibilities with their notice. An affirmative response to this question is necessary before the formal hearing may proceed.
- f. The hearing officer is not required to enforce the rules of evidence. However, certain guidelines are appropriate.
 - i. The scope of the formal hearing is to be strictly confined to the charges as they were specified in the written notice except that evidence of repeated violations may be admitted if relevant. However, the student may wish to present evidence of extenuating circumstances. In that case, it is within the discretion of the school official holding the hearing to consider evidence, if offered, to the contrary.
 - ii. When considering statements (oral or written) for or against the student made by persons not present at the hearing, the hearing officer is obliged to consider the reliability of such statements before giving them any weight. An opportunity to rebut such statements is to be given at the hearing.
 - iii. If the student raises the issue of self defense, defense of others or defense of property, the hearing officer shall consider the defense raised and whether the physical force threatened or used by the student was justified as being the action of a reasonable person of similar age and experience under the factual circumstances in evidence.
- g. Presentation of School Case
 - i. An appropriate school official (other than the hearing officer) shall be allowed to submit evidence, present witnesses, and testify against the student.
 - ii. The student, or the student's representative, has the right to question all witnesses.
- h. Presentation of Student's Case
 - i. The student or the student's representative shall be allowed to submit evidence and present witnesses. At the discretion of the hearing officer, if

witnesses are providing repetitious testimony, the hearing officer may limit the number of witnesses. The student may testify on the student's own behalf.

- ii. An appropriate school official shall be allowed to question the student and all witnesses, unless, of course, the student chooses not to testify, in which case the student is exempt from questioning.
- i. Findings:
 - i. At the conclusion of the formal hearing, or not later than two (2) school days after the hearing, the hearing officer shall make written findings as to whether the student engaged in the conduct alleged in the notice of suspension, and determine within the limits defined in that notice what disciplinary action will be taken.
 - ii. If the decision is to suspend the student for longer than 10 days, within two (2) days of the completion of hearing, the hearing officer shall notify the student and the parent of the findings and of the decision to suspend by hand-delivered or first class mail. (See Exhibit JK-R2-E1)
 - iii. Copies of the letter of suspension must be delivered to the Office of Student Equity within three (3) days of the decision. The Office of Student Equity will report the outcome of the hearing to the Governing Board.
 - iv. ~~Long-Term Suspensions of more than forty-five (45) days shall not be imposed except for violations assigned to Level 5. The Office of Student Equity will review all suspensions of more than forty-five days. The long-term suspension will commence immediately while this review is being conducted. The Office of Student Equity may modify such a long-term suspension as he or she may determine in the exercise of discretion. Nothing in this subsection shall eliminate the right of appeal from any determination to impose a long-term suspension.~~
Long-Term Suspensions of more than thirty (30) days shall not be imposed except for violations assigned to Level 5. The Office of Student Equity will review all suspensions of more than thirty days. The long-term suspension will commence immediately while this review is being conducted. The Office of Student Equity may modify such a long-term suspension as he or she may determine in the exercise of discretion. Nothing in this subsection shall eliminate the right of appeal from any determination to impose a long-term suspension.
 - v. If the hearing officer's decision is not to impose a long-term suspension, the student shall be readmitted to the school as soon as possible.
 - a. Verbal and written notification is made to the student and the parent as soon as possible.
 - b. The reasons for readmission are to be made a matter of record.
 - c. The hearing officer's findings must also include notice of the student and parents' right to appeal the Hearing Officer's findings.
 - j. Record of the Long-Term Suspension Hearing: All documentary evidence and record of the formal hearing are to be retained by the school as a part of the

student's record. The Hearing Officer shall arrange to have a summary record made of the proceedings to include the names of those present, the witnesses, and a brief summary of the testimony of each. In addition, the school shall arrange to have the hearing recorded.

Long-Term Suspension Appeal

1. The hearing officer imposing the suspension must include in the letter of suspension the name, title, address, and phone number of the representative of ~~The Office of Student Equity to whom an appeal may be directed.~~ Assistant Superintendent assigned to the school.
2. The student may appeal a decision imposing a long-term suspension by filing a written appeal with ~~The Office of Student Equity~~ Assistant Superintendent responsible for the school within three (3) school days after the date notice of suspension was given, or within a time limit agreed upon by the student and The Office of Student Equity during the same three (3) school days.
3. The basis for the appeal shall be specified in the written notice of appeal. The basis of appeal is limited to:
 - a. alleged denial of a right available to the student that resulted in an unfair hearing at the formal hearing
 - b. new evidence
 - c. allegation of insufficient evidence
 - d. allegation of excessive punishment

Note that appeals of recommendations for expulsion are not allowed.

4. If such appeal is filed, it shall be reviewed within five (5) school days from the date the appeal is received by the person assigned to review the appeal.
5. Within ten (10) school days of the receipt of the appeal, ~~The Office of Student Equity~~ the Assistant Superintendent must notify, in writing, the person filing the appeal of any decision.
 - a. If it is determined that an unfair hearing resulted from a denial of rights, a new long-term suspension hearing shall be ordered.
 - b. If it is determined that the new evidence presented would have substantially affected the results of the conference, a new long-term suspension hearing shall be ordered.

- c. If it is determined that the evidence against the student was insufficient, the decision to suspend may be reversed and the student immediately reinstated in school (see "Long-Term Suspension"), or the length of the suspension may be reduced.
- d. If ~~The Office of Student Equity~~ the Assistant Superintendent decides that the length of the suspension is excessive, the length of the suspension shall be reduced.
- e. If ~~The Office of Student Equity~~ the Assistant Superintendent sustains the decision to suspend, notice to that effect must be sent to the student and parent.
- f. The student and parent may appeal the decision of ~~The Office of Student Equity~~ Assistant Superintendent directly to the Governing Board.

Appeal to the Governing Board

- i. If the suspension has been upheld or modified after the initial appeal, the student may further appeal by filing a written notice of appeal to the Governing Board within five days after receiving the decision of the ~~Office of Student Equity~~ Assistant Superintendent.
- ii. ~~If the decision to impose a long term suspension includes a recommendation to expel, the Board shall hear the appeal of the long term suspension at the time that the Board makes a determination whether to hold an expulsion hearing in accordance with Board Policy JK.~~
- iii. ~~ii.~~ The basis of appeal is limited to the grounds considered at the first level of appeal. The Board shall review the written record and the record on appeal and shall hear no new evidence or testimony.
- iv. ~~iii.~~ Unless a recommendation for expulsion has been made, the Board shall render its decision within ten (10) days after reviewing the record and shall notify the student and parents in writing of its decision. If a recommendation for expulsion has been made, the appeal of the long term suspension shall be joined with the expulsion for hearing and appeal. If the Board hears the appeal at the same time as the Board makes a decision whether to hold an expulsion hearing, it shall send notice of its decision on the appeal at the same time that notice of the expulsion hearing is sent to the student and parent(s). The Board may confirm or reverse the decision to suspend or may reduce the discipline imposed.
- v. ~~iv.~~ The decision of the Board is final.

Homework

Homework will be made available by the student's teachers through the end of the grading period. The school staff shall assist the parents in obtaining the homework packet. Teachers will only provide new assignment packets if previous packets have been completed and returned. However, because of the difficulty in students keeping up with the class work through homework alone, without the benefit of instruction, following the end of the grading period, students serving long-term suspensions will be supported through a TUSD alternative program such as distance learning.

Re-entry Conference

Upon completion of a long-term suspension and on the day the student returns to school, an administrator must meet with the student and the student's parent to discuss school expectations and the supports that will be in place to assist the student's return to school.


**TUCSON UNIFIED SCHOOL DISTRICT
TUCSON, ARIZONA**

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	May 13, 2009 [formatting & clarification statement only]
Reviewed by Board:	June 19, 2009 [Friday Report]
Reviewed by Board:	October 29, 2010 July 2014 [Friday Report]

LEGAL REF.: A.R.S. §§ 15-341 & 15-342
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JICJ – Use of Cell Phones and Other Electronic Signaling Devices
JICL – Bully Prohibition and Prevention
JKA – Discipline of, and Alternative Interim Placements for Special Education Students
JKAA – Discipline, Suspension, Expulsion for 504 Handicapped Students

Replaces TUSD Policy # 5060

 <p>TUSD Tucson Unified School District <i>Celebrate the US!</i> Tucson, Arizona</p> <p>POLICY REGULATION</p>	POLICY TITLE: Expulsion
	POLICY CODE: JK-R3

Expulsion

Expulsion is defined as the permanent withdrawal of the privilege of attending any school in the district unless the Governing Board reinstates the privilege.

Recommendation for Expulsion (Exhibit JK-R3-E1)

1. After completion of a formal long-term suspension hearing which results in a decision to suspend, the Principal may submit a recommendation for expulsion to the Superintendent through the appropriate Assistant Superintendent. A copy of the recommendation for expulsion and GB Policy Regulation JK-R3-Expulsion shall be mailed to the parent and/or student within 5 days of the hearing.
 - a. ~~So that the expulsion hearing may be held during the student's suspension, this recommendation must be made promptly. Upon the recommendation for expulsion, the student shall remain suspended or in an alternative to suspension program, pending the conclusion of the expulsion process.~~
 - b. The recommendation for expulsion should not be delayed pending the resolution of any appeals of the decision to suspend. The principal may request to withdraw the recommendation to expel at any time and cancel the expulsion process.
 - c. It is conceivable that new evidence introduced during the appeal process or some other unforeseen circumstance may warrant withdrawal of the recommendation. Should this occur, prompt written notice to all concerned parties is necessary. **Withdrawals of expulsion recommendations may not be sought when the prescribed disciplinary action involves the possession of a firearm or destructive device. Under state law, in such a case, only the Board**

may decide, on a case by case basis, whether to impose less than the mandatory penalty.

- d. The principal will prepare an expulsion packet (Exhibit JK-R3-E2) containing the recommendation for expulsion and all pertinent documents and send the packet to the appropriate Assistant Superintendent for review. If the Assistant Superintendent concurs with the recommendation, the expulsion packet will be forwarded to the Superintendent.
2. The Superintendent will review the expulsion packet and recommendation. If the Superintendent concurs with the recommendation for expulsion, the file shall be forwarded to the Governing Board.

Appointment of Hearing Officer

~~4. The Governing Board has delegated to District Legal Counsel the authority to appoint a hearing officer. shall determine whether a Hearing Officer will be designated to hear the evidence, prepare a record and bring a recommendation to the Board.~~

1.

- a. ~~If the Board appoints a Hearing Officer, the~~ Legal Department, on behalf of the Board, will schedule the expulsion hearing, ~~so that it may be resolved during the long term suspension, but not earlier than five (5) working days from the date written notice of the hearing is sent to the student and parent.~~
- b. Within the limitations described above, an expulsion hearing may be rescheduled by the student or parent if either submits a written request showing good cause to the Legal Department at least two (2) school days prior to the date of the hearing as originally scheduled.
- c. The notice of the expulsion hearing shall be translated into the language of the home. The translation will be sent with the notice.
- d. The notice will be hand-delivered or sent by first class mail. A person hand delivering the notice will obtain a signed receipt for the notice from the person to whom it is delivered, or will certify delivery if the recipient will not sign a receipt. For mailed notices, delivery will be presumed on the third business day after mailing to the address on record.
- e. The student, through the parent or properly authorized adult representative, shall have access to all relevant school records prior to the hearing, including any ~~and all non-privileged documents~~, which may be used at the hearing. Records of students other than the student who is the subject of the hearing, information subject to privilege and personnel records or teachers or school staff, are not subject to such access unless otherwise accorded by law. This right may be exercised at any

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reasonable time during regular school hours after first making arrangements with the building principal or the principal's designee.

- f. If the language of the home is other than English, the student and parent should be advised that they may request the presence of an interpreter at all conferences and hearings. Thereafter, the need for an interpreter at any subsequent conference or hearing will be assumed and arrangements made accordingly, unless the parent or the student makes a statement to the contrary for the record.

Hearing

1. A designated hearing officer conducting an expulsion hearing shall follow the due process procedures for formal hearings.
2. The hearing officer shall prepare a record of the hearing which shall consist of a recording of the proceedings as well as all written documents submitted to the hearing officer by the school official presenting the school case and the student's representative(s).
3. After hearing the evidence related to the alleged violations of the code of conduct, the hearing officer shall determine whether a violation of the student code of conduct has been committed. The hearing officer will then review the student's overall record, including grades, absences and prior disciplinary record. The parent(s) will be allowed to comment on any aspect of the student's record.
4. Within ~~five-ten~~ (5/10) working days following the conclusion of the hearing, the hearing officer will notify the school administration and the student and parent(s) of his or her recommendation and the right of the student to appeal the recommendation to the Board. The notice shall be sent by certified mail (return receipt requested) or by hand-delivery to the student and parent.
5. At the same time that the recommendation is sent to the administration, student and parent(s), the hearing officer shall prepare the record, the report and the recommendation which shall be forwarded immediately to the Board for action. The report and recommendation shall include findings of fact related to the alleged code of conduct violation(s), a summary of the student's overall record (grades, absences and disciplinary record) and a recommendation as to whether the student should be expelled. The hearing officer may include in a recommendation for expulsion any recommendations related to readmission and any conditions that the hearing officer feels would be appropriate for the student to meet prior to being considered for readmission.

Governing Board Decision

1. The Board will consider the hearing officer's recommendation and make a determination regarding the expulsion of the student pursuant to Board Policy JK.

~~a. The hearing officer shall be present at the appeal hearing to present his/her report and recommendation to the Board.~~

~~b. The hearing officer shall also be prepared to present other relevant information for the Board's consideration. Typically, this consists of the record at the initial hearing, and the student's overall record, including grades, absences and disciplinary record.~~

c.a. _____ The parents and student will be notified of the date and time set for the Board's consideration and determination regarding the expulsion of the student and will be permitted to make a statement at that time.

2. Readmission

a. As part of its decision to expel, the Board may permit the student to apply for readmission through the Office of Student Equity ~~the applicable Assistant Superintendent~~ after any period of time it may set.

b. The Board or designee may establish further conditions within the readmission process with which the student must comply prior to his/her admission to the instructional process.

Reviewed by Board:	July 11, 1989
Reviewed by Board:	July 9, 1991
Reviewed by Board:	June 9, 1992
Reviewed by Board:	May 25, 1995
Reviewed by Board:	March 24, 2009
Reviewed by Board:	June 19, 2009 [Friday Report]

LEGAL REF.: A.R.S. §§ 15-341 & 15-342
A.R.S. §§15-840 – 15-844

CROSS REF JFCL – Anti-Harassment Policy – Student
JI – Rights and Responsibilities
JICA – Student Dress
JICFA – Hazing
JICG – Tobacco Use by Students

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