

APPENDIX VI - 8

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Behavior, Discipline, and Student Code of Conduct

CODE OF CONDUCT



DISCIPLINARY SUPPORTS

Restorative Practices and PBIS

[Click Here to find Restorative Practices Videos from Around our District](#)

DISCIPLINARY PROCESSES, REGULATIONS, AND FORMS

Short-Term Suspensions and Appeals

[JK-B1 Student Discipline - Short Term Suspension | Print Version](#) (in PDF)
Translation: [Spanish](#)

VIOLATION CHARTS

AGGRESSION

[Minor Aggression](#) [AG](#)

[Other Aggression](#)

[Fighting](#)

[Assault](#)

ALCOHOL, TOBACCO AND OTHER DRUG VIOLATIONS

[Tobacco - Possession or Use](#)

[Illicit Drugs and Alcohol - Possession or Use \(Including Marijuana\)](#)



Long-Term Suspensions and Appeals

[JK-R2 Student Discipline - Long Term Suspension | Print Version](#) (in PDF)
Translation: [Spanish](#)

[JK-R2-E1 Long-Term Hearing Folder Checklist](#) (in PDF)

Long/Short- Term Appeals Process Form

[Appeals Process Form](#)

Expulsions and Appeals

Please Contact your Assistant Regional Superintendents and Student Relations Department, Immediately.

Request to Elevate Discipline (RED)

[RED Process and Form](#)

Waiver Process and Form

[Waiver Process and Form](#)

Abeyance

Abeyance Regulation

[JK-R4 Student Discipline - Suspension/Abeyance Contract Regulation | Print Version](#) (in PDF)
Translation: [Spanish](#)

[JK-S4-E1 Abeyance Contract for ST Suspension Exhibit](#) (in PDF)
Translation: [Spanish](#)

[JK-S4-E2 Abeyance Contract for LT Suspension Exhibit](#) (in PDF)
Translation: [Spanish](#)

[Illicit Drugs - Sale or Share \(Including Marijuana\)](#)

Attendance Policy Violations

[Tardy](#)

[Unexcused Absence](#)

[Other Attendance Violations](#)

[Leaving School Grounds Without Permission](#)

[Truancy](#)

Other Violations of School Policies

[Parking Lot Violation](#)

[Public Display of Affection](#)

[Other Violations of School Policies](#)

[Inappropriate Language \(verbal, non-verbal\)](#)

STUDENT RELATIONS

(Discipline Review Team)

Please contact Veronica Duran or Charlotte Brown for questions and guidance related to the Code:

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[Defiance or Disrespect Towards Authority and Non-Compliance](#)

[Contraband](#)

[Combustible](#)

[Disruption](#)

[Gambling](#)

[Negative Group Affiliation/Illegal Organization](#)

Dishonesty

[Cheating](#)

[Forgery](#)

[Lying](#)

[Plagiarism](#)

Technology

[Technology Improper Use Of](#)

[Computer or Network Violation](#)

Student Restorative Conference Form
Downloadable Form found in Fairness Resources
Under Restorative Practices



School suspensions don't stop violence - they help students celebrate it



The Mask You Live In



School Suspensions are an Adult Behavior



3 ways to Practice Civility

<https://tedd11.sharepoint.com/sites/StudentRelations/DispIn>



Home

tusd.tahazipoint.com

Veronica Duran Student Relations Coordinator 225-6484 Monthly Discipline Report Blank Form Charlotte Brown Student Equity Compliance Liaison 225-4316 Monthly Student Discipline Reports (Due by the 10th of each month)

Code of Conduct Scenarios

[Code of Conduct Scenarios](#)

Instructions for Inputting Incidents into Synergy

[Synergy Incident Instructions](#)

Instructions for Inputting Conferences into Synergy

[Synergy Conference Instructions](#)

[Trespassing](#)

[Graffiti or Tagging](#)

[Vandalism of Personal and/or School Property](#)

Sexual Offenses

[Sexual Harassment](#)

[Pornography](#)

Arson

[Arson of a Structure or Property](#)

[Arson of an Occupied Structure](#)

Harassment and Threat, Intimidation

[Threat or Intimidation](#)

[Bullying](#)

[Harassment \(Non Sexual\)](#)

[Hazing](#)

School Threat or Interference

[Fire Alarm Misuse](#)

[School Threat or Interference](#)

[Bomb Threat](#)

[Chemical or Biological Threat](#)

[Other School Threat](#)

[TUSD Hard Lockdown Procedures](#)



TUSD Hard Lockdown Procedures

Theft

[Petty Theft](#)

[Truif](#)

[Burglary or Breaking and Entering](#)

[Extortion](#)

[Robbery](#)

[Armed Robbery](#)

[Burglary First Degree](#)


Weapons and Dangerous Items, Possession of

[Dangerous Items](#)

[Simulated Firearm](#)

[Other Weapons](#)

[Firearms](#)

	REGULATION TITLE: Student Discipline – Short-Term Suspension
	CODE: JK – R1
	LEAD DEPARTMENT: Academic Leadership

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.

Alternatives to Suspension

Prior to any determination to suspend a student, the administrator shall first consider the use of appropriate alternatives to suspension, including, but not limited to: restorative conference, abeyance contract, or In-School Intervention.

Short-Term Suspension Procedures:

1. Required Rudimentary Due Process
 - a. As soon as possible following an alleged violation, the student shall be given oral or written notice of the alleged misconduct.
 - b. If the student denies the allegation, the school official shall explain the evidence of the misconduct to the student.
 - c. The school official shall 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 whether it results in in-class/school discipline or short-term suspension.
 - i. Such due process 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. A student may be immediately removed from school without prior use of the due process procedures described 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 shall be afforded as soon as possible and prior to the imposition of discipline. 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 school days.
 - b. The effective date of the suspension is the first day the student is out of school for half of the day (or more).
 - 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 and the school shall retain a copy in the student's cumulative record folder.
- b. Meaningful Access: The notice shall be written in the home language. If the notice cannot be translated on the first day of suspension, the parent shall be informed in their home language by telephone or in person.
- c. Notification of the short-term suspension shall 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 shall be held at the time of the imposition of a short-term suspension.

- a. The purpose of the parental conference is to reach a satisfactory and workable solution to the problem the student is experiencing.
 - b. 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)
 - c. 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.
 - d. 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 shall be made available for the parent to pick up at the school office. 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 shall not be applied to avoid or postpone the formal due process procedures of long-term suspension.
- b. If it is necessary to remove a student from school for more than ten days because of a particular violation, 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, distinct 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 shall 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.

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]
Revised: July 17, 2015 [Friday Report]

LEGAL REF.: A.R.S. § 15-341
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
JICH – Drug and Alcohol Use by Students
JICI – Weapons in School
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

 Tucson, Arizona REGLAMENTO DE LA POLÍTICA	TÍTULO DE LA POLÍTICA: Disciplina del Estudiante - Suspensión a Corto Plazo
	CÓDIGO: JK-R1
	DEPT. QUE ENCABEZA: Liderazgo Académico

Definiciones

La mayoría de la terminología usada en este documento está definida en contexto. Debido a que ciertos términos no necesariamente están definidos en contexto, se definen inmediatamente abajo.

El “Contrato de Aplazamiento” es un contrato entre el padre, el estudiante, y la escuela que fija las condiciones bajo las cuales la escuela conviene no imponer una suspensión. Si el estudiante viola el acuerdo, la suspensión será reestablecida automáticamente en esa fecha sin cualquier proceso adicional.

Una “Infracción” es una conducta que está prohibida por el Distrito y la cual se identifica como una infracción en las “Pautas para los Derechos y las Responsabilidades de los Estudiantes.”

"Padre" se refiere a padres solteros, ambos padres, o a la persona o personas que tienen custodia legal del estudiante.

"Oficial Escolar" se refiere a cualquier persona a quien la Mesa Directiva le ha otorgado el poder de suspender a los estudiantes.

“Suspensión a Corto Plazo” es la remoción de un estudiante de la escuela y de las actividades escolares por un período de tiempo de duración ya sea de una fracción de un (1) día hasta diez (10) días escolares.

“Suspensión a Corto Plazo Pendiente de una Suspensión a Largo Plazo” es la remoción inicial de un estudiante de la escuela pendiente de los procedimientos formales del debido proceso requeridos para las suspensiones a largo plazo.

Alternativas a la Suspensión

Antes de alguna determinación para suspender a un estudiante, el administrador deberá primero considerar el uso de alternativas apropiadas a la suspensión, incluyendo, pero no limitadas a: conferencia restaurativa, contrato de aplazamiento, o Intervención en la Escuela.

Procedimientos de la Suspensión a Corto Plazo:

1. Garantías Procesales Rudimentarias Requeridas
 - a. Después de una supuesta infracción y tan pronto como sea posible, se le dará al estudiante un aviso oral o escrito de la supuesta mala conducta.
 - b. Si el estudiante niega la alegación, el oficial escolar le explicará la evidencia de la mala conducta al estudiante.
 - c. El oficial escolar le dará al estudiante la oportunidad de presentar la versión del estudiante de la situación.
 - d. Los tres elementos antedichos constituyen las "garantías procesales rudimentarias" requeridas antes de que se pueda llevar a cabo cualquier acción disciplinaria.
 - i. Este procedimiento de las garantías procesales se puede lograr en cuestión de unos minutos. Su propósito es asegurar que los hechos de la situación estén tan claros como sea posible para la gente implicada antes de que se lleve a cabo cualquier acción.
 - ii. El oficial escolar que implementa el procedimiento está encargado de averiguar los hechos. Dicho oficial escolar debe estar satisfecho de que el estudiante de hecho hizo lo que le acusaron de hacer.
 - iii. Se puede remover a un estudiante inmediatamente de la escuela sin el uso previo de los procedimientos las garantías procesales descritas anteriormente si la presencia del estudiante implica un peligro inminente a las personas o la propiedad o una amenaza continua de la interrupción del proceso académico. Sin embargo, se proporcionará el debido proceso tan pronto como sea posible y antes de la imposición de la disciplina.
2. Decisión
 - a. Después del proceso informal descrito anteriormente y, si los hechos lo justifican, el estudiante puede ser suspendido desde una fracción de un día hasta diez (10) días escolares.
 - b. La fecha de vigor de la suspensión es la primera fecha que el estudiante está fuera de la escuela por la mitad del día (o más).
 - c. Si se tiene que dejar ir a un estudiante durante el curso de un día escolar normal, se hará un esfuerzo de ponerse en contacto con el padre inmediatamente. Si no se logra el contacto con el padre, se mantendrá al estudiante en la escuela hasta el fin del día escolar normal.

3. Notificación por Escrito: El Aviso de Suspensión (Véase la Prueba Instrumental JK-R1-E1)
 - a. El aviso de suspensión (JK-R1-E1), dando notificación de la Suspensión a Corto Plazo, debe ser entregado al estudiante cuando sea posible. Se debe enviar una copia a los padres por correo de primera clase a más tardar el primer día de la suspensión, y la escuela debe retener una copia en el expediente acumulativo del estudiante.
 - b. Acceso Significativo: El aviso debe ser escrito en el idioma del hogar. Si no se puede hacer una traducción del aviso el primer día de la suspensión, se le debe notificar a los padres en el idioma del hogar por teléfono o personalmente.
 - c. La notificación de la Suspensión a Corto Plazo debe ser enviada a la Oficina de Equidad Estudiantil (Office of Student Equity) dentro de tres días de la fecha en que la suspensión entra en vigor.

4. Conferencia con los Padres

De ser posible, se debe llevar a cabo una conferencia con los padres durante el período de la imposición de la Suspensión a Corto Plazo.

- i. El propósito de la conferencia con los padres es llegar a una solución satisfactoria y viable al problema que está teniendo el estudiante.
 - ii. Como resultado de esta conferencia, el oficial escolar puede optar por ofrecerle al estudiante y a sus padres la oportunidad de aplazar la suspensión por medio de un contrato de aplazamiento. (Véase el Reglamento de la Política JK-R4)
 - iii. Una Suspensión a Corto Plazo puede ser acortada como consecuencia de una conferencia con los padres, pero bajo ninguna circunstancia puede exceder diez (10) días escolares. No se puede alargar la Suspensión a Corto Plazo como medida para hacer que los padres vengan a la escuela.
 - iv. Se puede requerir un intérprete en esta conferencia si el idioma de casa del estudiante no es inglés.
5. El estudiante tendrá acceso a las asignaciones de clase. La tarea debe estar disponible para que el padre la recoja en la oficina escolar. Asignaciones adicionales serán proporcionadas solo después de que el estudiante haya completado y regresado las asignaciones previas.
6. Limitaciones del Uso de la Suspensión a Corto Plazo

- a. Las Suspensiones Sucesivas a Corto Plazo no se deben aplicar para evitar o posponer los procedimientos del debido proceso formal de la Suspensión a Largo Plazo.
- b. Si es necesario sacar a un estudiante de la escuela por más de diez (10) días a causa de un incidente dado o un grupo de circunstancias, se debe usar el procedimiento de la Suspensión a Largo Plazo. Véase el reglamento de la política JK-R2.
- c. No existe una limitación de la aplicación de Suspensiones a Corto Plazo sucesivas en caso de incidentes distintos sucesivos si las circunstancias lo justifican. Por ejemplo, si un estudiante fue suspendido por tres días escolares por golpear a otro estudiante, y el día que regresa lo hace otra vez, se puede imponer una suspensión de ocho días. Siempre y cuando haya una segunda audiencia informal antes de la segunda suspensión, este total de once días (8 + 3) en sí no viola el límite de los diez días de la Suspensión a Corto Plazo sencilla. Este ejemplo ilustra un ejemplo de dos suspensiones por dos infracciones diferentes que ocurrieron muy seguida la una de la otra.

7. Apelación de la Suspensión a Corto Plazo

- a. Cualquier estudiante o padre de familia/tutor que no esté de acuerdo con la decisión de suspender puede solicitar un repaso de la decisión del oficial escolar por el supervisor inmediato del oficial escolar. Dicha solicitud se debe hacer dentro de tres días escolares después de la imposición de la suspensión. El supervisor debe considerar sólo los siguientes motivos al repasar la decisión:
 - i. presunta negación de un derecho disponible al estudiante que resultó en una audiencia injusta
 - ii. nueva evidencia
 - iii. acusación de insuficiente evidencia
 - iv. acusación de castigo excesivo
- b. El supervisor administrativo puede afirmar la decisión o reducir la disciplina impuesta. **La decisión del supervisor, después de un repaso de la decisión y de los hechos relevantes disponibles a él, es terminante.**

8. El Regreso del Estudiante a la Escuela después de una Suspensión a Corto Plazo.


- a. El administrador debe reunirse con el estudiante y sus padres para una Conferencia de Readmisión, el día que el estudiante regrese a la escuela.

- b. El propósito de esta conferencia es repasar las expectativas para la conducta del estudiante y repasar los apoyos que serán proporcionados por la escuela para ayudarle al estudiante a lograr un regreso exitoso a la escuela.

Repasado por la Mesa Directiva:	11 de julio de 1989
Repasado por la Mesa Directiva:	9 de julio de 1991
Repasado por la Mesa Directiva:	9 de junio de 1992
Repasado por la Mesa Directiva:	25 de mayo de 1995
Repasado por la Mesa Directiva:	24 de marzo de 2009
Revisado:	18 de junio de 2009 (Se agregó la política que se reemplaza únicamente)
Revisado:	17 de julio de 2015 (Informe del viernes)

REFERENCIAS LEGALES: A.R.S. § 15-341
A.R.S. §§15-840 – 15-844

REFERENCIAS RECÍPROCAS: JFCL – Política Contra el Acoso – Estudiante
JI – Derechos y Responsabilidades
JICA – Código de Vestimenta para Estudiantes
JICFA – Novatadas
JICG – Uso de Tabaco por los Estudiantes
JICH – Uso de Drogas y Alcohol por los Estudiantes
JICI – Armas en la Escuela
JICJ – Uso de Teléfonos Celulares y otros Aparatos Electrónicos de Señales
JICL – Prohibición y Prevención de Intimidación
JKA – Disciplina de Estudiantes de Educación Especial y Colocación Alterna Interina
JKA – Disciplina, Suspensión, Expulsión para Estudiantes Discapacitados bajo el Reglamento 504

 Tucson, Arizona POLICY REGULATION	REGULATION TITLE: Long-Term Suspension
	CODE: JK – R2
	LEAD DEPARTMENT: Academic Leadership

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 and not more than one hundred eighty consecutive school days. *Long-Term Suspensions of more than thirty days shall not be imposed except for violations assigned to Level 5.*

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)

Alternatives to Suspension

Prior to any determination to suspend a student, the administrator shall first consider the use of appropriate alternatives to suspension, including, but not limited to: restorative conference, abeyance contract, In-School Intervention, or Alternative Education Placement.

Due Process Required for Long-Term Suspension

More formal process is required for suspensions longer than ten 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 or legal counsel.
2. The right of the parent to be present at all proceedings involving their child
3. The right of the student, parent, or representative to reasonable access to non-privileged evidence and the student's records at least two days prior to the long term

suspension 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 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 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 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 shall be held within ten school days of the date the short-term suspension became effective.
 - 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.
 - b. The formal Long-Term Suspension Hearing may be held later than ten school days only if the following rescheduling procedures are first followed:
 - i. The parent or student's representative submits a written or an oral request for a rescheduled hearing, which request demonstrates good cause. The

request must propose a new date and time and must be received at least two school days prior to the date of the hearing as originally scheduled.

- ii. If the circumstances require the hearing to be rescheduled beyond the ten 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 30 day maximum. Failure to appear without previously requesting a continuance and without prior notification shall not constitute good cause.

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 hearing been held with all parties present. The information contained in the decision notice is the same as that required in cases in which the parties were present at the hearing.

b. Attorneys at Hearings

- i. No school official shall 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 shall 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 shall not be excluded, nor should the presence of the District's legal counsel be required in order for the hearing to proceed.
 - iii. Either before or during the hearing, it may appear to the hearing officer 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.
- 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 shall 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 hearing officer to consider such evidence, if offered,.
- ii. When considering statements (oral or written) 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 shall be provided.
- 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. The burden to prove the alleged violation of the Guidelines for Student Rights and Responsibilities rests at all times with school officials.
- 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. Not later than two 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 ten days, within two 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 shall also be delivered to the Department of Student Services within three days of the decision. The Department of Student Services will report the outcome of the hearing to the Governing Board.
- iv. *Long-Term Suspensions of more than 30 days shall not be imposed except for violations assigned to Level 5.* The Department of Student Services will review all suspensions of more than thirty days, and report to Elementary or Secondary School Leadership if the suspension is believed to be inappropriate. The long-term suspension will commence immediately while this review is being conducted. The Department of Elementary or Secondary Leadership may modify a long term suspension pursuant to the report from the Department of Student Services.. Nothing in this subsection shall eliminate the right of appeal from any determination to impose a long-term suspension.
- v. The hearing officer's findings must also include notice of the student and parents' right to appeal the Hearing Officer's findings.
- vi. 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.
- 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 Department of Elementary or Secondary Leadership to whom an appeal may be directed.

2. The student may appeal a decision imposing a long-term suspension by filing a written appeal with the Department of Elementary or Secondary Leadership within three school days after the date notice of suspension was given, or within a time limit agreed upon by the student and the Department of Elementary or Secondary Leadership during the same three 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 school days from the date the appeal is received by the person assigned to review the appeal.
5. Within ten school days of the receipt of the appeal, the Department of Elementary or Secondary Leadership 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 Department of Elementary or Secondary Leadership decides that the length of the suspension is excessive, the length of the suspension shall be reduced and notice of that decision shall be sent to the school administration and the parents.

- e. If the Department of Elementary or Secondary Leadership sustains the decision to suspend, notice to that effect must be sent to the student parent, and school administration.
- f. The student and parent may appeal the decision of the Department of Elementary or Secondary Leadership directly to the Governing Board.

Appeal to the Governing Board

1. 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 Department of Elementary or Secondary Leadership.

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.

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.

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 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.

The decision of the Board is final.

Homework

Homework shall be made available by the student's teachers through the end of the grading period. 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.

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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
JICH – Drug and Alcohol Use by Students
JICI – Weapons in School
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

 Tucson, Arizona REGLAMENTO DE LA POLÍTICA	TÍTULO DEL REGLAMENTO: Suspensión a Largo Plazo
	CÓDIGO: JK – R2
	DEPARTAMENTO QUE ENCABEZA: Liderazgo Académico

Suspensión a Largo Plazo

Una suspensión a largo plazo es el retiro temporal del privilegio de asistir a la escuela de un estudiante por un periodo de tiempo de no menos de once y no más de ciento ochenta días escolares consecutivos. *No se impondrán Suspensiones a Largo Plazo de más de treinta días con la excepción de infracciones asignadas al Nivel 5.*

Suspensión a Corto Plazo pendiente de una Suspensión a Largo Plazo

Si un oficial escolar está considerando una suspensión a largo plazo, el oficial escolar inicialmente debe imponer una “suspensión a corto plazo pendiente de una suspensión a largo plazo” (Véase el Reglamento de la Política de la Mesa Directiva JK-R1 y la Prueba Instrumental JK-R1-E2)

Alternativas a una Suspensión

Antes de cualquier determinación de suspender a un estudiante, el administrador deberá primero considerar el uso de alternativas adecuadas a la suspensión, incluyendo, pero sin limitarse: conferencia restaurativa, contrato de aplazamiento, Intervención dentro de la Escuela, o Colocación en Educación Alterna.

Las Garantías Procesales Requeridas para una Suspensión a Largo Plazo

Se requiere un proceso más formal para las suspensiones de más de 10 días escolares. Los elementos de las garantías procesales enumeradas a continuación deben estar disponibles para todas las suspensiones a largo plazo. Una vez que estén enterados que estos elementos de procedimiento están disponibles, los padres y el estudiante pueden aprovecharlos todos, o pueden intencionalmente, inteligentemente y voluntariamente renunciar a ellos total o parcialmente. Los oficiales escolares, y en particular aquellos implicados en el asunto, no deben dar ningún consejo legal de cualquier tipo (aun si se les pide específicamente que lo hagan) a los padres o al estudiante en cuanto a ejercer estos derechos.

A continuación se enumeran los derechos de las garantías procesales disponibles durante el procedimiento a todos los estudiantes que pueden estar sujetos a la Suspensión de Largo Plazo. El estudiante tiene derecho a:

1. la representación por sus padres, o por un asesor legal.
2. tener a sus padres presentes en todos los procedimientos que involucran al estudiante
3. al acceso razonable del estudiante, padre, o representante a la evidencia no privilegiada y a los expedientes del estudiante por lo menos dos días antes de la audiencia para suspensión a largo plazo. (Se puede ejercer este derecho a cualquier hora razonable durante las horas escolares regulares después de hacer arreglos con el director o su persona designada)
4. estar libre de cualquier requisito de presentar evidencia en contra de sí mismo
5. presentar evidencia y testigos favorables
6. hacer preguntas acerca de cualquier evidencia e interrogar a los testigos adversos presentados durante el procedimiento
7. hacer que el testimonio presentado sea conservado por cuenta del estudiante
8. tener un intérprete presente, si es necesario

Notificación por Escrito

Después de una investigación inicial, el oficial escolar puede decidir que la Suspensión a Largo Plazo es adecuada. De ser así, el oficial escolar que tome esa decisión entonces le enviará al estudiante y/o a los padres un aviso escrito por correo de primera clase o se les entregará personalmente. (Véase la Prueba Instrumental JK-R2-E2). Una copia de la Política de Suspensión a Largo Plazo JK-R2 deberá encontrarse adjunta a la notificación de suspensión. Como con todos los documentos pertinentes a este proceso, se retendrá una copia para el expediente acumulativo del estudiante.

1. El aviso se debe enviar a más tardar en tres días escolares después de la imposición de la Suspensión a Corto Plazo pendiente de la Suspensión a Largo Plazo.
2. Acceso Significativo: El aviso debe estar escrito en el idioma del hogar. Si no están disponibles los servicios de traducción, se puede dar un aviso oral por medio de un intérprete. Se debe mantener la documentación del evento de interpretación.
3. El día que el aviso se entregue o se envíe por correo, o antes, el director o su persona designada harán un esfuerzo razonable de comunicarles verbalmente a los padres y al estudiante la información contenida en el aviso escrito.

4. La audiencia formal de la Suspensión a Largo Plazo debe llevarse a cabo dentro de diez días escolares de la fecha que entró en vigor la Suspensión a Corto Plazo formal.
 - a. Esto es para mantener al estudiante fuera de la escuela hasta que finalmente se haya determinado si se impondrá una Suspensión a Largo Plazo. Se requiere una audiencia formal antes de que pueda tomarse esta determinación.
 - b. La audiencia formal de Suspensión a Largo Plazo se puede llevar a cabo después de diez días escolares solamente si se han seguido los siguientes procedimientos adecuados para volver a programarla:
 - i. Un padre o el representante del estudiante puede volver a programar una audiencia presentando una solicitud por escrito u oral mostrando una causa justa al oficial de la escuela. La solicitud debe proponer una fecha y hora nueva y deberá recibirse cuando menos dos días escolares antes de la fecha en que originalmente se había programado la audiencia.
 - ii. Si las circunstancias requieren que la audiencia se vuelva a programar después de los diez días de una suspensión a corto plazo, el estudiante deberá ser readmitido pendiente a la audiencia de suspensión a largo plazo. Si se impone una suspensión a largo plazo, el tiempo dedicado a la suspensión de corto plazo aplicable deberá ser incluido al calcular los 30 días máximos. El no comparecer sin haber solicitado previamente un aplazamiento y sin previa notificación no constituirá una causa justa

La Audiencia Formal de Suspensión a Largo Plazo

1. La audiencia será cerrada al público.
2. El administrador de la suspensión proveerá un expediente de la audiencia de suspensión a largo plazo, conteniendo todos los documentos relacionados al caso al oficial escolar asignado para realizar la audiencia, conocido también como oficial de audiencia. (Prueba Instrumental JK-R2-E3).
3. El oficial escolar asignado debe ser un investigador imparcial. Esto significa que el Oficial de la Audiencia no estuvo directamente implicado en el incidente o su investigación y no será un testigo en la audiencia formal. Además, el administrador que suspendió al estudiante no debe discutir el caso con el oficial de la audiencia antes de la audiencia y no debe tener discusiones con el oficial de la audiencia fuera de la audiencia antes de ser publicada la decisión del Oficial de la Audiencia.

4. Se le proporcionarán al estudiante los derechos del debido proceso descritos anteriormente.
5. El Oficial de la Audiencia tiene el derecho de insistir que todas las partes se comporten adecuadamente y de ejercer este derecho de cualquier manera razonable
6. El Proceso de la Audiencia de la Suspensión a Largo Plazo
 - a. El Oficial de la Audiencia primero debe anunciar la comparecencia de todas las personas que estén presentes.
 - i. Si en el día y la hora programada para la audiencia ni el estudiante ni nadie de su parte se presenta, los oficiales escolares tratarán de ponerse en contacto con los padres antes del comienzo de la audiencia. Si no lo logran o los padres se niegan a asistir a la audiencia, el oficial escolar debe repasar toda la evidencia que aplique con respecto al estudiante.
 - ii. El hecho de que ni el estudiante ni nadie de su parte se presentaron debe ser anotado en los resultados escritos y en las recomendaciones que se recopilarán después de la revisión.
 - iii. La notificación debida de la decisión tomada será proporcionada dentro del período de tiempo que se hubiera requerido si la conferencia se hubiera llevado a cabo con todas las partes presentes. La información contenida en el aviso es la misma que se requiere en el aviso en los casos cuando las partes estuvieron presentes en la audiencia.
 - b. Abogados en las Audiencias
 - i. Ningún oficial escolar puede dar ningún consejo de cualquier tipo a ninguna persona en cuanto a si el estudiante debe ser representado por un abogado. Al igual que con los otros derechos del debido proceso, los oficiales escolares no pueden dar ningún consejo en cuanto si se debe ejercer este derecho, aun si el estudiante, los padres, o ambos solicitan tal consejo.
 - ii. El oficial escolar siempre puede solicitar que los padres o el estudiante den aviso antes de la audiencia si tienen la intención de tener un abogado que los represente. Pero aun si no se da tal aviso y un abogado se presenta sin anunciarse, nunca debe ser excluido el abogado; ni se debe considerar la presencia del asesor legal del Distrito un requisito absoluto antes de que pueda proceder tal audiencia.

- iii. Ya sea antes o durante la audiencia puede parecerle al oficial escolar que la está llevando a cabo que existe una buena causa para obtener la presencia del abogado del Distrito. Si surge una buena razón durante la conferencia, el oficial de la audiencia puede interrumpir la audiencia y volver a programarla. Es obligatorio que el oficial escolar que esté llevando a cabo la audiencia asegure que todos los que están presentes comprendan la razón de la interrupción.
- c. El Oficial de la Audiencia entonces asegurará que los padres y el estudiante han recibido un aviso de la audiencia según el Reglamento de la Política JK-R2 de la Mesa Directiva. Se pueden renunciar las fallas en el aviso por medio de la estipulación de ambas partes. La comparecencia de los padres y el estudiante sin protesta en la audiencia se determinará como una renuncia de cualquier defecto del aviso.
- d. El Oficial de la Audiencia entonces leerá la(s) supuesta(s) infracción(es) del código de conducta en actas. El Oficial de la Audiencia hará preguntas para determinar si el estudiante y sus padres comprenden las supuestas infracciones.
- e. El Oficial de la Audiencia hará preguntas para determinar si los padres y el estudiante recibieron una copia de este Reglamento JK-R2 y de las Pautas para los Derechos y Responsabilidades de los Estudiantes junto con su aviso. Es necesaria una respuesta afirmativa a esta pregunta antes que la audiencia formal pueda proceder.
- f. No se requiere que el Oficial de la Audiencia imponga las reglas de la evidencia. Sin embargo, ciertas pautas son apropiadas.
 - i. El alcance de la audiencia formal deberá ser estrictamente confinado a los cargos como se especificaron en el aviso escrito con excepción que se puede admitir la evidencia de infracciones repetidas si son relevantes. Sin embargo, el estudiante puede desear presentar evidencia de circunstancias atenuantes. En ese caso, la consideración de la evidencia a lo contrario si se ofrece, queda bajo la discreción del oficial escolar.
 - ii. Al considerar declaraciones (ya sea orales o escritas) hechas por personas que no están presentes en la audiencia, el Oficial de la Audiencia tiene la obligación de considerar la validez de tales declaraciones antes de asignarles cualquier importancia. Se proporcionará una oportunidad de refutar tales declaraciones.
 - iii. Si el estudiante presenta el punto de la defensa de sí mismo, la defensa de otras personas o la defensa de la propiedad, el Oficial de la Audiencia debe considerar la defensa presentada y si fue justificada la fuerza física amenazada o usada por el estudiante como la acción de una persona

razonable de edad y experiencia similar bajo las circunstancias basadas en hechos en evidencia.

g. Presentación del Caso de la Escuela

- i. Se le permitirá a un oficial escolar adecuado (que no sea el oficial de la audiencia) que presente evidencia, testigos, y una declaración en contra del estudiante. El peso de la carga para comprobar las presuntas infracciones de los Derechos y Responsabilidades de los Estudiantes recae en todo momento en los oficiales escolares.
- ii. El estudiante, o su representante, tiene el derecho de interrogar a todos los testigos.

h. Presentación del Caso del Estudiante

- i. Se le permitirá al estudiante o a su representante que presenten evidencia y testigos. A su discreción, el oficial de la audiencia puede limitar el número de testigos si los testigos están repitiendo el testimonio. El estudiante puede atestiguar a su favor.
- ii. Se le permitirá a un oficial escolar adecuado que interroge al estudiante y a todos los testigos, desde luego solamente que el estudiante opte por no atestiguar, en tal caso el estudiante queda exento de que le hagan preguntas.

i. Resultados:

- i. No más de dos días escolares después de la audiencia, el oficial de la audiencia declarará por escrito si el estudiante tomó parte en la supuesta conducta del aviso de suspensión, y determinará dentro de los límites definidos en ese aviso la acción disciplinaria que se llevará a cabo.
- ii. Si se llega a la decisión de suspender al estudiante por más de diez días, el Oficial de la Audiencia le notificará en persona o por correo de primera clase al estudiante y a sus padres dentro de dos días de fin de la audiencia de las conclusiones y de la decisión de suspender. (Véase la prueba instrumental JK-R2-E2) (Ver Prueba JK-R2-E1)
- iii. Se deben entregar copias de la carta de suspensión al Departamento de Servicios Estudiantiles dentro de tres días de haber tomado la decisión. El Departamento de Servicios Estudiantiles reportará el resultado de la audiencia a la Mesa Directiva.

- iv. *No se impondrán Suspensiones a Largo Plazo de más de 30 días con excepción de casos de las infracciones asignadas al Nivel 5.* El Departamento de Servicios Estudiantiles repasará todas las suspensiones de más de treinta días, y le informará al Departamento de Liderazgo de Escuelas Primaria y Secundaria si se determina que la suspensión no es adecuada. La Suspensión de Largo Plazo comenzará inmediatamente mientras que se lleva a cabo este repaso. El Departamento de Liderazgo de Escuelas Primaria y Secundaria puede modificar la Suspensión a Largo Plazo de conformidad con el informe del Departamento de Servicios Estudiantiles. Nada en esta sección secundaria eliminará el derecho de apelar cualquier determinación de imponer la Suspensión a Largo Plazo.

- v. Los resultados del oficial de audiencia también deberán contener notificación del derecho del estudiante y de los padres para apelar los resultados del Oficial de Audiencia.

- vi. Si la decisión del Oficial de la Audiencia es no imponer la suspensión a largo plazo, el estudiante será admitido de nuevo a la escuela tan pronto como sea posible.
 - a. Se hace notifica de forma verbal y escrita al estudiante y a sus padres lo más pronto posible.

 - b. Las razones de la readmisión estarán en el registro público.

- j. Registro de la Audiencia de la Suspensión a Largo Plazo: Toda la evidencia documentaria y el registro de la audiencia formal deben ser retenidos por la escuela como parte del expediente del estudiante. El Oficial de la Audiencia hará arreglos para obtener un resumen de los procedimientos que incluya los nombres de los que estuvieron presentes, los testigos, y un resumen breve del testimonio de cada uno. Además, la escuela hará los arreglos para que se grabe la audiencia.

Apelación de la Suspensión a Largo Plazo

1. El Oficial de la Audiencia que imponga la suspensión debe incluir en la carta de suspensión el nombre, puesto, dirección, y número de teléfono del representante del Departamento de Liderazgo de Escuelas Primaria y Secundaria a quien se le puede dirigir una apelación.

2. El estudiante puede apelar la decisión que impone la Suspensión a Largo Plazo al presentar una apelación por escrito al Departamento de Liderazgo de Escuelas Primaria y Secundaria dentro de tres días escolares después de la fecha del aviso de la suspensión, o dentro de un período de tiempo convenido por el estudiante y la Oficina del Departamento de Liderazgo de Escuelas Primaria y Secundaria durante los mismos tres días escolares.
3. La base de la apelación será especificada en el aviso escrito de apelación. La base de la apelación está limitada a:
 - a. una presunta negación de un derecho disponible al estudiante que resultó en una audiencia injusta en la audiencia formal
 - b. nueva evidencia
 - c. una acusación de evidencia insuficiente
 - d. una acusación de castigo excesivo

Note que no se permiten apelaciones a las recomendaciones de expulsión.

4. Si se presenta tal apelación, deberá ser revisado dentro de cinco días escolares de la fecha que la recibió la persona asignada a repasar la apelación.
5. Dentro de diez días escolares de haber recibido la apelación, la Oficina del Departamento de Liderazgo de Escuelas Primaria y Secundaria debe notificar, por escrito, a la persona que presentó la apelación de cualquier decisión.
 - a. Si se determina que una audiencia injusta resultó de una negación de derechos, se ordenará una nueva audiencia de la suspensión a largo plazo.
 - b. Si se determina que la presentación de nueva evidencia hubiera afectado substancialmente los resultados de la conferencia, se ordenará una nueva audiencia de la suspensión a largo plazo.
 - c. Si se determina se determina que la evidencia en contra del estudiante fue insuficiente, se puede revocar la decisión de suspender e inmediatamente readmitir al estudiante a la escuela (ver "Suspensión a Largo Plazo,"), o se puede reducir la duración de la suspensión
 - d. Si la Oficina del Departamento de Liderazgo de Escuelas Primaria y Secundaria decide que la duración de la suspensión es excesiva, será reducida la duración de la suspensión y se enviará una notificación de esa decisión a la administración escolar y a los padres.

- e. Si el Departamento de Liderazgo de Escuelas Primaria y Secundaria apoya la decisión de suspender, un aviso al respecto debe ser enviado al estudiante y a sus padres y a la administración escolar.
- f. El estudiante y sus padres pueden apelar la decisión de la Oficina del Departamento de Liderazgo de Escuelas Primaria y Secundaria o directamente con la Mesa Directiva.

Apelación a la Mesa Directiva

1. Si la suspensión ha sido confirmada o modificada después de la apelación inicial, el estudiante puede apelar de nuevo presentando un aviso de apelación por escrito a la Mesa Directiva dentro de cinco días de haber recibido la decisión de la Oficina del Departamento de Liderazgo de Escuelas Primaria y Secundaria.
2. Si la decisión de imponer una Suspensión a Largo Plazo incluye la recomendación de expulsar, la Mesa Directiva considerará la apelación de la Suspensión a Largo Plazo en la misma fecha que la Mesa Directiva determine si debe llevar a cabo una audiencia de expulsión de acuerdo con la Política JK de la Mesa Directiva.
3. La base de la apelación se limita a los motivos considerados en el primer nivel de apelación. La Mesa Directiva repasará el registro escrito y el registro de la apelación y no considerará evidencia o testimonio nuevo.
4. La Mesa Directiva hará saber su decisión diez días después de repasar el registro y notificará al estudiante y a sus padres por escrito de su decisión. Si la Mesa Directiva considera la apelación en la misma fecha que decide si va tener una audiencia de expulsión, la Mesa Directiva mandará un aviso de su decisión sobre la apelación a la misma vez que mande el aviso de la audiencia de la expulsión al estudiante y a los padres. La Mesa Directiva puede confirmar o revocar la decisión de suspender o puede reducir la disciplina impuesta.
5. La decisión de la Mesa Directiva es terminante.

Tarea

Los maestros del estudiante harán disponible la tarea hasta el fin del período de calificaciones. Los maestros proveerán paquetes de asignaciones nuevos, solo si los paquetes previos han sido completados y regresados. Sin embargo, después del final del período de calificaciones, los estudiantes en suspensión a largo plazo serán apoyados por un programa alternativo de la enseñanza a distancia de TUSD, debido a su dificultad para mantenerse al corriente con el trabajo de la clase por medio de la tarea solamente, sin el beneficio de la enseñanza.

Conferencia para Regresar

Al terminar la suspensión a largo plazo y el día que el estudiante regrese a la escuela, un administrador debe reunirse con el estudiante y sus padres para discutir las expectativas de la escuela y los apoyos que estarán disponibles para asistir al estudiante en su regreso a la escuela.

Repasado por la Mesa Directiva:	11 de julio de 1989
Repasado por la Mesa Directiva:	9 de julio de 1991
Repasado por la Mesa Directiva:	9 de junio de 1992
Repasado por la Mesa Directiva:	25 de mayo de 1995
Repasado por la Mesa Directiva:	24 de marzo de 2009-06-29
Repasado por la Mesa Directiva:	13 de mayo, 2009 [formato y clarificación de la declaración, solamente]
Repasado por la Mesa Directiva:	19 de junio, 2009 [Informe del viernes]
Repasado por la Mesa Directiva:	29 de octubre, 2010 [Informe del viernes]
Revisada:	17 de julio, 2015 [Informe del viernes]

REFERENCIAS LEGALES: A.R.S. §§ 15-341 & 15-342
A.R.S. §§15-840 – 15-844

REFERENCIAS RECÍPROCAS: JFCL – Política contra el Acoso – Estudiante
JI – Derechos y Responsabilidades
JICA – Vestimenta del Estudiante
JICFA – Novatadas
JICG – Uso de Tabaco por los Estudiantes
JICH – Uso de Drogas y Alcohol por los Estudiantes
JICI – Armas en la Escuela
JICJ – Uso de Teléfonos Celulares y otros Dispositivos de Señal
JICL – Prohibición y Prevención de Hostigamiento
JKA – Disciplina de Estudiantes de Educación Especial y Colocaciones Alternativas Interinas
JKAA – Disciplina, Suspensión, Expulsión para Estudiantes Discapacitados 504

Long-Term Hearing Folder Checklist

Instructions: This checklist should go on the front of the packet of materials the Suspending Administrator will give to the Long-Term Suspension Hearing Officer. Make sure that all the documents listed on this Checklist are included in the packet for the Hearing Officer as they will be used during the Long-Term Suspension Hearing. If Expulsion is recommended after the Long-Term Suspension Hearing, this Checklist and all materials contained in the folder shall be included in the Expulsion Packet.

- Notice of Short-Term Suspension and Notice of Long-Term Suspension Hearing Date
- Long-Term Hearing Script
- Chronology (written by Suspending Administrator)
- Exhibits and Witness Statements (with other student names redacted)
- Board Policy JK & Policy Regulation JK-R1 and JK-R2 **OR** Board Policy JKA (for Ex Ed students) or JKAA (for 504 students)
- Student Violations, Suspensions, Arrests from Mojave
- Student Attendance Block printout from Mojave
- Record of Academic, Counseling and other Interventions
- Report Card (Most Recent)
- Transcript
- Progress Reports (Originals completed by Teachers)
- ONLY IF** Ex Ed or 504: Meeting Notice (Invitation to Manifestation Determination) with proof of receipt of Procedural Safeguards
- ONLY IF** Ex Ed or 504: Manifestation Determination/ Knowledgeable Group Determination Document
- Long-Term Hearing Officer Decision Worksheet

TUCSON UNIFIED SCHOOL DISTRICT

REQUEST TO ELEVATE DISCIPLINE (RED) PROCESS

PROCESS FOR REQUESTING TO APPLY AND ACTION THAT IS ONE LEVEL HIGHER THAN THE MANDATORY ACTION LISTED IN THE CODE

Principals and APs may apply an action that is one level higher than that listed, but only upon a showing of supporting documentation (e.g. prior interventions, etc.). Requests must be submitted to the Assistant Superintendent to jointly review for final approval with the Discipline Review Team. *See Code page 8, #4.*

A consequence may be elevated one level after three repeated violations in a semester (with attempted and documented interventions) or to protect campus safety.

1. Submit the Request to Elevate Discipline Form (below) to your Regional Assistant Superintendent and to the Discipline Review Team: Veronica Duran, Discipline Coordinator and Charlotte Brown, Compliance Liaison. The Regional Assistant Superintendent and the Team will review the interventions, notes, and any previous discipline for the student.
2. If the request is approved, the Regional Assistant Superintendent will sign on the approved line and return the form to you.
3. If the request is denied, the Regional Assistant Superintendent will sign on the denied line and return the form to you.

****** If the approved elevation results in a long-term suspension hearing, a copy of the elevation form **must** be included in the hearing folder.

TUCSON UNIFIED SCHOOL DISTRICT

REQUEST TO ELEVATE DISCIPLINE (RED) FORM

SCHOOL: _____ DATE: _____

ADMINISTRATOR: _____

STUDENT NAME: _____ GRADE: _____ ETHNIC CODE: _____

VIOLATION & CURRENT LEVEL: _____

CONSEQUENCE REQUESTED: _____

WAS THE CONDUCT ONGOING AND ESCALATING? IF SO, PLEASE DESCRIBE: _____

PREVIOUS INTERVENTIONS: _____

REASON FOR REQUEST: _____

Approved: _____ Denied: _____


Regional Assistant Superintendent

Regional Assistant Superintendent

**UNDER NO CIRCUMSTANCES SHALL DISCIPLINE BE ELEVATED MORE THAN ONE
LEVEL ABOVE THE APPLICABLE VIOLATION. THIS FORM MUST BE SENT
ELECTRONICALLY TO THE DISCIPLINE REVIEW TEAM FOR REVIEW.**

Discipline Review Team:

Veronica Duran, Discipline Coordinator at veronica.duran@tusd1.org
and Charlotte Brown, Compliance Liaison at charlotte.brown@tusd1.org

 Tucson, Arizona POLICY REGULATION	POLICY TITLE: Student Discipline - Suspension Abeyance Contract
	CODE: JK-R4

Suspension Abeyance Contract

An Administrator may offer to hold a suspension in abeyance, that is, to not immediately impose a suspension for certain offenses, if (1) the administrator believes it is in the best interests of the student and the school community, (2) the student and parent/legal guardian agree to certain conditions, and (3) the student and parents sign an abeyance contract. (See Exhibit JK-R4-E1-2)

Abeyance Contract

1. An abeyance contract 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. (See Exhibit JK-R4-E4) Abeyance contracts may not exceed 90 school days. Administrators may seek additional days through written confirmation from the appropriate Assistant Superintendent. Said additional days may not extend the contract beyond the last day of the quarter within which the 90th day falls.
2. The abeyance contract template (See Exhibit JK-R4-E1-2) may not be modified except to insert one or more of the optional conditions. (See Exhibit JK-R4-E3) If the school administration would like to include a requirement not listed as one of the optional conditions, the administrator must obtain approval from the Legal Department for that modification.

Student Eligibility Requirements:

1. Student must acknowledge he/she violated the *Guidelines for Student Rights and Responsibilities* and parent/legal guardian and, if applicable, student must agree to waive the student's right to a long-term suspension hearing and any subsequent appeals;

OR

Student has been found to be in violation of the *Guidelines for Students Rights and Responsibilities* at a long-term hearing and the parent/legal guardian agrees to waive the student's right to any subsequent appeals.

2. The student's current violation did not occur while another suspension was being held in abeyance through another abeyance contract.
3. Student and parent/legal guardian must sign an abeyance contract.

Violation Eligibility Requirements:

An abeyance contract is NOT available for possession of a firearm or destructive device as defined in the *Student Rights and Responsibilities*.

Administrative Considerations:

The suspending administrator must weigh the severity of the offense, the student's prior disciplinary record, the parental/community support in place for the student and the impact of the offense on the school community when determining whether to offer an abeyance contract to the student and parent/legal guardian.

Reviewed: March 24, 2009

Reviewed: September 24, 2010 [Friday Report] – Cross Ref Policy Correction 10-12-10

Cross Ref: JB – Equal Educational Opportunities and Anti-Harassment Policy
JI – Rights and Responsibilities
JICA – Student Dress
JICFA – Hazing
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
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 #



Tucson Unified School District

School Name

School Address

School Phone Number

CONTRATO DE APLAZAMIENTO PARA UNA SUSPENSIÓN A CORTO PLAZO

Parent/Legal Guardian Name

Address

Tucson, Arizona 857 Last 2 #'s

Re: Student Name **Matrícula#:** # **Grado:** # **Código Étnico:** #

Sexo: M/F **Educación Excepcional:** S/N **504:** S/N **Fecha del Incidente:** Date

Declaración Formal:

1. Student Name reconoce que ha violado las Pautas sobre los Derechos y Responsabilidades de los Estudiantes como sigue: Violation Name(s). El estudiante Brief Description of Student Behavior from Comment Section.
2. La consecuencia de esta infracción incluye una suspensión a corto plazo (una suspensión que es de menos de once (11) días).
3. La administración de la escuela tiene la intención de imponer una suspensión por # Days días, comenzando el Suspension Start Date y terminando el Abeyance Contract End Date.
4. Optional: [Delete this section if there are no optional recitations].
[Parents/Legal Guardians] intend to obtain counseling for [student].
[Parents/Legal Guardians] intend to complete regular drug testing.]

Términos y Condiciones:

1. **El/La estudiante y el Padre/Tutor Legal están de acuerdo en renunciar a cualquier apelación de la suspensión.**
2. El/La estudiante cumplirá # Days Suspension días de suspensión y podrá regresar a la escuela el Return Date from Suspension. La escuela está de acuerdo en aplazar # Days días de suspensión.
3. El/La estudiante está de acuerdo en obedecer todas las reglas escolares y asistir a todas las clases, todos los días, al menos que tenga excusa del padre/tutor legal.



- 4. Si el/la estudiante tiene cualquier violación adicional de las Pautas sobre los Derechos y Responsabilades de los Estudiantes, se impondrán los días restantes de la suspensión automáticamente, además de cualquier consecuencia de la violación actual.
 - 5. Optional requirements from Optional Conditions Sheet may be entered here. If no optional conditions are imposed, delete this statement.
- Acepto y estoy de acuerdo con los términos y condiciones arriba estipuladas, incluyendo la renuncia a cualquier apelación subsiguiente.
- Rechazo esta oferta.

Firmas

Nombre del Estudiante

Nombre del Padre/Tutor Legal

Nombre del Administrador, Administrador del Distrito

Fecha de la Firma

Copias a: Equidad Estudiantil
Expediente Acumulativo del Estudiante
Otro (Type in Site Offices Requiring Copies If Applicable)



Tucson Unified School District

School Name

School Address

School Phone Number

ABEYANCE CONTRACT FOR A LONG-TERM SUSPENSION

Parent/Legal Guardian Name

Address

Tucson, Arizona 857 Last 2 #'s

Re: Student Name **Matric#:** # **Grade:** # **Ethnic Code:** #

Gender: M/F **Ex Ed:** Y/N **504:** Y/N **Date of Incident:** Date

Manifestation Date

Recitals:

1. Student Name acknowledges violating the Guidelines For Student Rights & Responsibilities as follows: Violation Name(s). The student Brief Description of Student Behavior from Comment Section.
2. The consequence of this violation may include a long-term suspension (a suspension that is longer than ten (10) days).
3. The school administration intends to recommend that the student be suspended for # Days days, beginning on Suspension Start Date and ending on Abeyance End Date.
4. Optional: [Delete this section if there are no optional recitations].
[Parents/Legal Guardians] intend to obtain counseling for [student].
[Parents/Legal Guardians] intend to complete regular drug testing.]

Terms and Conditions:

1. **The student and parent/legal guardian agree to waive (1) the student’s right to a hearing on the long-term suspension if that has not yet been held and (2) any subsequent appeal.**
2. The student will serve # Days Suspension days of suspension and may return to school on Return Date from Suspension. The school agrees to hold # Days days of suspension in abeyance.
3. The student agrees to obey all school rules and to attend every class, every day unless excused by a parent/legal guardian.

JK-R4-E2 – Abeyance Contract LT Suspension 3-24-09



- 4. If the student has any further violation of the Guidelines For Student Rights & Responsibilities, any remaining suspension days will automatically be imposed in addition to any consequences for the current violation.
 - 5. Optional requirements from Optional Conditions Sheet may be copied and pasted here. If no optional conditions are imposed, delete this statement.
- I accept and agree to the terms and conditions stated above including the waiver of (1) the right to a long-term suspension hearing (if one has not already been held) and (2) any subsequent appeals.
- I reject this offer and request a long-term hearing be held instead.

Signatures

Student Name

Parent/Legal Guardian Name

Administrator Name, District Administrator

Date Signed

Copies to: Student Equity
Student Cumulative File
Other (Type in Site Offices Requiring Copies)

Minor Aggressive Act

TUSD defines Minor Aggressive Act as follows:

Engaging in intentional, **non-serious but inappropriate physical contact** such as, but not limited to: hitting, poking, pulling, pushing, tripping, pulling a chair out from underneath another person, or other behaviors that demonstrate low level hostile conduct.

MANDATORY ACTIONS

Principals **MUST** take the following actions:

- Parent/Guardian Notification and Conference Request
- Restorative Conference and/or Restorative Circle

GUIDELINES FOR APPLYING ACTIONS

Principals **MUST** follow these guidelines:

- All parent conferences will be made in a timely manner.
- Parents or guardians may participate in a conference via phone or another accessible mode of communication.
- Students will not be disciplined further merely because their parent cannot participate in a conference.
- Attempted violations, including physical conflict, may require actions.
- Principals or AP's will determine the appropriate level of action for attempted violations.
- Actions will generally be at a lower level than the actual violation.

BEST PRACTICES

Principals **ARE ENCOURAGED** to consider the following best practices:

- Teen Court
- Social Skills Group
- Mentoring

Other Aggression

Using other acts of aggression not specifically listed within the Aggression section including, but not limited to, intentional, serious and inappropriate. Physical contact including, but not limited to, any example listed under "Minor Aggressive Act" that may result in a serious physical injury.

Mandatory

Parent/Guardian Notification and Conference Request
Restorative Conference and/or Restorative Circle

Other Considerations

All parent conferences will be made in a timely manner. Parents or guardians may participate in a conference via phone or another accessible mode of communication. Students will not be disciplined further merely because their parent cannot participate in a conference.

Attempted violations, including physical conflict, may require actions. Principals or AP's will determine the appropriate level of action for attempted violations. Actions will generally be at a lower level than the actual violation.

ADDITIONAL ACTIONS TO CONSIDER (BEST PRACTICES)

Reflective Essay
Behavior Intervention Group
Mentoring

Fighting

A fight is defined as a physical altercation in which both parties are willing participants who had one or more opportunities to deescalate the situation, leave the situation, or notify a school official of the potential fight prior to making the decision to participate, and where the circumstances present a threat to safety because of the number of participants or the intensity and violence of the conduct.

Due to the mutual involvement of participants, principal/assistant principal will grant an automatic waiver of the mandatory minimum, eleven-day long-term suspension normally used at this level for a first offense. See guidelines for fighting consequences on page 8, Level 4. Similar conduct not meeting the definition of Fighting shall be treated as the level 3 offense of "Other Aggression."

Mandatory	Other Considerations	ADDITIONAL ACTIONS TO CONSIDER (BEST PRACTICES)
Parent/Guardian Notification and Conference Request Restorative Conference and/or Restorative Circle (upon re-entry to school)	When determining the appropriate level of action to take, Principals and APs shall consider a student's claim of self-defense, defense of others or defense of property.	Social Skills Group Mentoring Detention
<i>First offense</i> —Three day suspension with two days waived if student participates in mediation. <i>Second offense</i> —Eleven day suspension with eight days held in abeyance if student participates in mediation.	Fighting is considered a level 4 violation but is treated different than other Level 4 violations, including an automatic waiver of long term consequence for the first and second offense.	Behavior Contract

Assault

Intentionally, knowingly or recklessly causing any physical injury to another person; knowingly touching another person with the intent to injure, insult or provoke such person.

Involves one person acting against another.

MANDATORY	OTHER CONSIDERATIONS	ADDITIONAL ACTIONS TO CONSIDER (BEST PRACTICES)
Restorative Conference and/or Restorative Circle (upon re-entry to school). Out-of-School Suspension and/or Abeyance – Long-term (11-30 Days)	Nothing in the Code shall prevent school personnel from protecting campus safety as appropriate. Law Enforcement Officers School Resource Officers, School Safety Officers and other security personnel shall not be involved in low level student discipline (levels 1-3).	Community Service Restitution

TOBACCO (Possession or Use)

The possession, use, distribution or sale of tobacco products on school grounds (including any device or substance that delivers nicotine such as e-cigarettes, nicotine patches, vapes or vape pens, and hookah sticks), at school-sponsored events and on school-sponsored transportation.

Possession: Knowing exercise of dominion or control over an item.

Use: The act of using or being under the influence.

MANDATORY

Restorative Conference and/or Restorative Circle

OTHER CONSIDERATIONS

Principals and APs at the elementary level (Pre-K-5th Grade) shall consider all violations, with the exception of possession of firearms or any incidence of threat to an educational institution, at one level lower than that of the actual violation, but may request an elevated consequence for safety concerns.

ADDITIONAL ACTIONS TO CONSIDER (BEST PRACTICES)

Community Service

Warning

ILLICIT DRUGS (Possession or Use)

Unlawful use, distribution, sale, purchase, possession, transportation or importation of any controlled drug or narcotic substance or equipment and devices used for preparing or taking drugs or narcotics. Includes being under the influence of drugs at school, school-sponsored events and on school-sponsored transportation. Includes over-the-counter medications if abused by the student.

Possession: Knowing exercise of dominion or control over an item.

Use: The act of using or being under the influence.

Mandatory

Parent/Guardian Notification and Conference Request

Restorative Conference and/or Restorative Circle (upon re-entry to school)

First offense—Three day suspension with two days waived if student participates in a drug workshop.

Second offense—Eleven day suspension with eight days held in abeyance if student participates in a drug workshop.

OTHER CONSIDERATIONS

Drug/Alcohol Use or Possession are considered level 4 violations but are treated different than other Level 4 violations, including an automatic waiver of long term consequence for the first and second offense.

Mandatory report to law enforcement

ADDITIONAL ACTIONS TO CONSIDER (BEST PRACTICES)

Social Skills Group

Mentoring

Detention

Behavior Contract

ILLICIT DRUGS (Sale or Share)

Unlawful use, distribution, sale, purchase, possession, transportation or importation of any controlled drug or narcotic substance or equipment and devices used for preparing or taking drugs or narcotics. Includes being under the influence of drugs at school, school-sponsored events and on school-sponsored transportation. Includes over-the-counter medications if abused by the student.

Sale: To transfer or exchange an item to another person for anything of value or advantage, present or prospective.

Share: To allow another person to use or enjoy something that one possesses.

MANDATORY

Out-of-School Suspension and/or Abeyance Long-term (11-180 Days)

Restorative Conference and/or Restorative Circle (upon re-entry to school)

[View Document](#)

OTHER CONSIDERATIONS

All parent conferences will be made in a timely manner. Parents or guardians may participate in a conference via phone or another accessible mode of communication. Students will not be disciplined further merely because their parent cannot participate in a conference.

Mandatory report to law enforcement

ADDITIONAL ACTIONS TO CONSIDER (BEST PRACTICES)

Social Skills Group

Mentoring

Behavior Contract

TUCSON UNIFIED SCHOOL DISTRICT

Short- Term Suspension Appeal Process

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:

- alleged denial of a right available to the student that resulted in an unfair hearing
- new evidence
- allegation of insufficient evidence
- allegation of excessive punishment

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.**

Long-Term Suspension Appeal Process

- 1) The hearing officer imposing the suspension must include in the letter of suspension the name, title, address, and phone number of the Regional Assistant Superintendent or Director of Student Relations to whom an appeal may be directed.
- 2) The student may appeal a decision imposing a long-term suspension by filing a written appeal with the Regional assistant Superintendent or Director of Student Relations within three school days after the date notice of suspension was given, or within a time limit agreed upon by the student and the
- 3) Regional Assistant Superintendent or Director of Student relations during the same three school days.
- 4) The basis for the appeal shall be specified in the written notice of appeal. The basis of appeal is limited to:
 - alleged denial of a right available to the student that resulted in an unfair hearing at the formal hearing
 - new evidence
 - allegation of insufficient evidence
 - allegation of excessive punishment
- 5) **Note** that appeals of recommendations for expulsion are **not** allowed.
- 6) If such appeal is filed, it shall be reviewed within five school days from the date the appeal is received by the person assigned to review the appeal.
- 7) Within ten school days of the receipt of the appeal, the Regional Assistant Superintendent or Director of Student Relations must notify, in writing, the person filing the appeal of any decision.
 - If it is determined that an unfair hearing resulted from a denial of rights, a new long-term suspension hearing shall be ordered.

- 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.
- 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.
- If the Regional Assistant Superintendent or Director of Student Relations decides that the length of the suspension is excessive, the length of the suspension shall be reduced and notice of that decision shall be sent to the school administration and the parents.
- If the Regional Assistant Superintendent or Director of Student Relations sustains the decision to suspend, notice to that effect must be sent to the student parent, and school administration.
- The student and parent may appeal the decision of the Regional Assistant Superintendent or Director of Student Relations directly to the Governing Board.

Appeal to the Governing Board

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 Regional Assistant Superintendent or Director of Student Relations.

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](#).

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.

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 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.

The decision of the Board is final.