

SCHOOL DISCIPLINE AND SAFETY

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

The Board believes that all students have the right to a public education in a positive environment that fosters the maximum opportunity for learning. An effective school discipline and safety program is necessary to ensure a learning environment free of disruptions. The Board shall adopt, and the Superintendent shall implement and maintain, an effective school discipline and safety program. The discipline and safety program should reflect community standards of school behavior and safety that are developed with the collaboration of but not limited to students, parents, guardians, teachers, school administrators, and advisory school boards in each community.

- (cf. 1230 – Citizen Advisory Committees)*
- (cf. 1410 - Interagency Cooperation for Student and Staff Safety)*
- (cf. 4158 –Employee Security)*
- (cf. 5131 – Conduct)*
- (cf. 5131.1 – Bus Conduct)*
- (cf. 5131.4 – Campus Disturbances)*
- (cf. 5131.41 – Violent and Aggressive Conduct)*
- (cf. 5131.42 – Threats of Violence)*
- (cf. 5131.5 – Vandalism, Threats, and Graffiti)*
- (cf. 5131.6 – Alcohol, Tobacco, and Other Drugs)*
- (cf. 5131.63 – Anabolic Steroids)*
- (cf. 5131.7 – Weapons & Dangerous Instruments)*
- (cf. 5131.9 – Academic Honesty)*
- (cf. 5132 – Dress and Grooming)*
- (cf. 5136 – Gangs)*
- (cf. 5137 – Positive School Climate)*
- (cf. 5141.51- At-Risk Youth)*
- (cf. 5142.2 – School Safety Patrol)*
- (cf. 5142.3 – Restraint and Seclusion)*
- (cf. 5144 – Discipline)*
- (cf. 5144.1 – Suspension and Expulsion)*
- (cf. 5144.2 – Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))*
- (cf. 5145.11 – Questioning and Apprehension)*
- (cf. 5145.12 – Search and Seizure)*
- (cf. 5145.5 – Nondiscrimination)*
- (cf. 5145.5 – Harassment)*
- (cf. 5145.7 – Sexual Harassment)*
- (cf. 5147 – Dropout prevention)*
- (cf. 6159- Individualized Education Program)*

SCHOOL DISCIPLINE AND SAFETY (continued)*Legal Citations (continued)**(cf. 6164.2 – Guidance and Counseling Services)**(cf. 6164.4 – Identification of Individuals with Exceptional Needs)**(cf. 6164.5 – Student Study Teams)**(cf. 6172 – Special Education)*

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

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

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

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

(cf. 5142.3 – Restraint and Seclusion)

Not less than once every three years, the District's discipline and safety program shall be reviewed to determine its consistency with community standards and shall be revised if appropriate. The review process shall make available the opportunity for collaborative input by but not limited to students, parents, guardians, and in each community.

*(cf. 9310 – Policy Manual)**(cf. 9311 – Board Policies)**(cf. 9313 – Administrative Regulations)*

SCHOOL DISCIPLINE AND SAFETY (continued)

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

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

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

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

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

(cf. 4158 – Employee Security)

(cf. 5144 – Discipline)

(cf. 4119.21 -- Code of Ethics)

(cf. 4119.3 – Duties of Personnel)

SCHOOL DISCIPLINE AND SAFETY (continued)

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

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

Legal References (see next page)

SCHOOL DISCIPLINE AND SAFETY (continued)

Legal References:

UNITED STATES CODE

20 U.S.C. §§ 1400, et seq. *Individuals with Disabilities Education Act*
No Child Left Behind Act of 2001, U.S.C. §§ 2361-2368 (P.L. 107-110)

ALASKA STATUTES

11.81.430 *Justification, use of force, special relationships*

11.81.900 *Definitions*

14.03.078 *Report*

14.03.160 *Suspension or expulsion of students for possessing weapons*

14.30.045 *Grounds for suspension or denial of admission*

14.30.180-.350 *Education for Exceptional Children*

14.33.120-.140 *School disciplinary and safety program*

14.33.210 *Reporting of incidents of harassment, intimidation or bullying*

ALASKA ADMINISTRATIVE CODE

4 AAC 06.060 *Suspension or denial of admission*

4 AAC 06.172 *Reporting of school disciplinary and safety program*

4 AAC 07.010-4 AAC 07.900 *Student rights and responsibilities*

4 AAC 06.175 *Reporting restraint and seclusion incidents.*

4 AAC 06.200-270 *Safe schools*

4 AAC 06.250 *Reporting*

4 AAC 52.010-.990 *Education for exceptional children*

20 AAC 10.020 *Code of ethics and teaching standards*