



# **Alaska Compilation of School Discipline Laws and Regulations**

Prepared: January 12, 2016

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2016. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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## ***General Provisions***

### **Authority to develop and establish rules of conduct**

#### **LAWS**

##### **14.30.030. Prevention and reduction of truancy.**

The governing body of a school district, including a regional educational attendance area, shall establish procedures to prevent and reduce truancy.

##### **14.33.100. Required school crisis response planning.**

(a) Each district shall develop a model school crisis response plan for use by each school in the district. Each school in a district shall develop a school specific crisis response plan. Each school shall form a crisis response team consisting of the principal, one certified and one classified member of the school staff, and one parent whose child attends the school. The crisis response team may include one member of the governing board or advisory school board, a school counselor, a member from local law enforcement authorities, and one student in grade 10 or higher if the school has those grades. The district and each school within the district shall consult with local social services agencies and local law enforcement authorities when developing the school crisis response plan.

(b) A school specific crisis response plan must meet standards as determined by the department by regulation. A school specific crisis response plan must include

- (1) the person in charge and a designated substitute;
- (2) the names of the crisis response team members and their specific job functions relating to a crisis;
- (3) a communication plan;
- (4) protocols for responding to immediate physical harm of students, faculty, or staff and to traumatic events, including the period after the events have concluded;
- (5) disaster and emergency procedures to respond to earthquakes, fire, flood, explosions, or other events or conditions in which death or serious injury is likely;
- (6) crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
- (7) policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.

##### **14.33.110. Purpose of school disciplinary and safety program.**

The purpose of AS 14.33.110 - 14.33.140 is to

- (1) implement and maintain community-based standards of school behavior that are developed by students, parents, teachers, school administrators, and the community;
- (2) facilitate the creation of a standard of school behavior and safety by local communities for the schools in those communities;
- (3) protect and support teachers who enforce standards of student behavior and safety in the classroom established under AS 14.33.120; and
- (4) ensure that all schools and school districts receiving state funds, that may not have already done so, implement and maintain an effective school disciplinary and safety program.

### **14.33.120. School disciplinary and safety program.**

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

- (1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;
- (2) standards relating to when a teacher is authorized to remove a student from the classroom for
  - (A) failure to follow student behavior and safety standards; or
  - (B) behavior described under AS 14.30.045(1) or (2);
- (3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310(b);
- (4) standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430(a)(2);
- (5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);
- (6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;
- (7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;
- (8) procedures for periodic review and revision of the school disciplinary and safety program.
- (9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

### **REGULATIONS**

No relevant regulations found.

### **Scope**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

### **Communication of policy**

### **LAWS**

No relevant laws found.

## **REGULATIONS**

### **4 AAC 07.030. Distribution of district policies.**

Each district shall make available to students, parents, and all staff persons who deal with students, up-to-date copies of the adopted district student rights and responsibilities policies at the start of each school year. Additionally, throughout the school year, copies of these policies must be posted in accessible locations within school facilities (e.g., bulletin board, teachers' lounges, office, etc.).

### **4 AAC 07.040. Mandatory instruction.**

Each school district shall provide instruction in student rights and responsibilities to students in grades 1 through 12.

## ***In-School Discipline***

### **Use of multi-tiered discipline approaches**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Teacher authority to remove students from classrooms**

#### **LAWS**

#### **11.81.430. Justification: Use of force, special relationships.**

(a) The use of force upon another person that would otherwise constitute an offense is justified under any of the following circumstances:

- (1) When and to the extent reasonably necessary and appropriate to promote the welfare of the child or incompetent person, a parent, guardian, or other person entrusted with the care and supervision of a child under 18 years of age or an incompetent person may use reasonable and appropriate nondeadly force upon that child or incompetent person.
- (2) When and to the extent reasonably necessary and appropriate to maintain order and when the use of force is consistent with the welfare of the students, a teacher may, if authorized by school regulations and the principal of the school, use reasonable and appropriate nondeadly force upon a student. If authorized by school regulations and the principal of the school, a teacher may use nondeadly force under this paragraph in any situation in which the teacher is responsible for the supervision of students. A teacher employed by a school board, including a regional educational attendance area school board, may use nondeadly force under this paragraph only if the school regulations authorizing the use of force have been adopted by the school board.
- (3) When and to the extent reasonably necessary and appropriate to maintain order, a person responsible for the maintenance of order in a common carrier of passengers, or a person acting under that person's direction, may use reasonable and appropriate nondeadly force.
- (4) When and to the extent reasonably necessary to prevent a suicide, a person who reasonably believes that another is imminently about to commit suicide may use reasonable and appropriate nondeadly force upon that person.
- (5) A licensed physician, licensed mobile intensive care paramedic, or registered nurse; or a person acting under the direction of a licensed physician, licensed mobile intensive care paramedic, or registered nurse; or any person who renders emergency care at the scene of an emergency, may use reasonable and appropriate nondeadly force for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the patient if
  - (A) the treatment is administered with the consent of the patient or, if the patient is a child under 18 years of age or an incompetent person, with the consent of the parent, guardian, or other person entrusted with care and supervision of the child or incompetent person; or

(B) the treatment is administered in an emergency if the person administering the treatment reasonably believes that no one competent to consent can be consulted under the circumstances and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(b) A person who raises a defense under (a)(1) of this section and claims that the person upon whom force was used was an incompetent person has the burden of establishing by a preponderance of the evidence that, at the time force was used, the person upon whom the force was used was an incompetent person.

#### **14.33.120. School disciplinary and safety program.**

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

(1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;

(2) standards relating to when a teacher is authorized to remove a student from the classroom for

(A) failure to follow student behavior and safety standards; or

(B) behavior described under AS 14.30.045 (1) or (2);

(3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310 (b);

(4) standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430 (a)(2);

(5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

(6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;

(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;

(8) procedures for periodic review and revision of the school disciplinary and safety program.

(9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

#### **REGULATIONS**

No relevant regulations found.

#### **Alternatives to suspension**

#### **LAWS**

No relevant laws found.

## REGULATIONS

No relevant regulations found.

## Use of corporal punishment

### LAWS

No relevant laws found.

### REGULATIONS

#### **4 AAC 07.010. Establishment of district guidelines and procedures; prohibited discipline.**

(a) Each school district shall develop and adopt policies regarding student rights and responsibilities. These policies must address both substantive and procedural matters relating to standards of student behavior, treatment, and discipline. A uniform discipline policy must be in effect throughout the district for the purpose of establishing standards and procedures in matters relating to student discipline. The procedures, at a minimum, must address the following:

- (1) routine discipline case procedure; and
- (2) chronic or serious discipline case procedure.

(b) All district policies must be consistent with the federal and state constitutions, state statutes and regulations as written or construed by courts of competent jurisdiction.

(c) The use of corporal punishment in Alaska public schools is prohibited.

#### **4 AAC 07.900. Definition.**

As used in this chapter, "corporal punishment" means the application of physical force to the body of a student for disciplinary purposes. It does not include the use of reasonable and necessary physical restraint of a student to protect the student, or others, from physical injury, to obtain possession of a weapon or other dangerous object from a student, to maintain reasonable order in the classroom, or on school grounds, or to protect property from serious damage or destruction.

## Use of student and locker searches

### LAWS

#### **14.03.105. Search of school lockers.**

(a) Subject to (b) of this section, a locker or other container provided in a school by the school or the school district may be searched and examined with the permission of the chief administrative officer of the school or the school district or the designee of the chief administrative officer to determine compliance with school regulations, school district regulations, and local, state, and federal laws. A search or examination under this section may not be more intrusive than reasonably necessary to meet the objectives of the search.

(b) Notices in letters at least two inches high stating the right and the intention of school and school district officers to permit searches and examinations under (a) of this section shall be posted in prominent locations throughout a school.

(c) Nothing in this section limits the ability of a peace officer, chief administrative officer, or other appropriate person, acting in compliance with local, state, or federal laws, to search a locker or other container provided in a public or private school by the school district.

**REGULATIONS**

No relevant regulations found.

**Other in-school disciplinary approaches****LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

## ***Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements***

### **Grounds for possible suspension or expulsion**

#### **LAWS**

##### **14.30.045. Grounds for suspension or denial of admission.**

A school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes:

- (1) continued willful disobedience or open and persistent defiance of reasonable school authority;
- (2) behavior that is inimicable to the welfare, safety, or morals of other pupils or a person employed or volunteering at the school;
- (3) a physical or mental condition that in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;
- (4) a physical or mental condition that in the opinion of a competent medical authority will cause the attendance of the child to be inimicable to the welfare of other pupils;
- (5) conviction of a felony that the governing body of the district determines will cause the attendance of the child to be inimicable to the welfare or education of other pupils.

#### **REGULATIONS**

##### **4 AAC 06.060. Suspension or denial of admission.**

(a) In a public school, the superintendent or principal may suspend a pupil under the provisions of AS 14.30.045, and the pupil may be reinstated by the superintendent or principal or by the school board. A child who is diagnosed as having acquired immune deficiency syndrome (AIDS) or the human immunodeficiency virus (HIV) does not have a condition which "will cause the attendance of the child to be inimical of the welfare of other pupils," within the meaning of AS 14.30.045(4), unless the child has uncoverable oozing lesions or other symptoms, or displays behavior, such as biting, which in the opinion of a team made up of the child's physician, public health personnel, the child's parent or guardian, and school personnel associated with the child's educational placement, substantially increases the risk of transmission of HIV to other pupils.

(b) Expulsion or denial of admission of a pupil shall be only upon the action of the governing school board in a district school.

(c) A pupil suspended or expelled under this section may appeal to the district board.

### **Grounds for mandatory suspension or expulsion**

#### **LAWS**

##### **14.03.160. Suspension or expulsion of students for possessing weapons.**

(a) Notwithstanding any other provision of law, a school district shall

- (1) expel for at least one year a student who violates AS 11.61.210(a)(8) while possessing a firearm, as that term is defined under 18 U.S.C. 921;

(2) suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210(a)(8) while possessing a deadly weapon, other than a firearm as that term is defined under 18 U.S.C. 921.

(b) The administrative officer of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student under (a) of this section.

(f) In this section,

(1) "deadly weapon" has the meaning given in AS 11.81.900; ["deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive]

## **REGULATIONS**

No relevant regulations found.

## **Limitations, conditions or exclusions for use of suspension and expulsion**

### **LAWS**

No relevant laws found.

## **REGULATIONS**

### **4 AAC 06.060. Suspension or denial of admission.**

(a) In a public school, the superintendent or principal may suspend a pupil under the provisions of AS 14.30.045, and the pupil may be reinstated by the superintendent or principal or by the school board. A child who is diagnosed as having acquired immune deficiency syndrome (AIDS) or the human immunodeficiency virus (HIV) does not have a condition which "will cause the attendance of the child to be inimical of the welfare of other pupils," within the meaning of AS 14.30.045(4), unless the child has uncoverable oozing lesions or other symptoms, or displays behavior, such as biting, which in the opinion of a team made up of the child's physician, public health personnel, the child's parent or guardian, and school personnel associated with the child's educational placement, substantially increases the risk of transmission of HIV to other pupils.

(b) Expulsion or denial of admission of a pupil shall be only upon the action of the governing school board in a district school.

(c) A pupil suspended or expelled under this section may appeal to the district board.

## **Administrative procedures related to suspension and expulsion**

### **LAWS**

### **4 AAC 07.010. Establishment of district guidelines and procedures; prohibited discipline.**

(a) Each school district shall develop and adopt policies regarding student rights and responsibilities. These policies must address both substantive and procedural matters relating to standards of student behavior, treatment, and discipline. A uniform discipline policy must be in effect throughout the district for the purpose of establishing standards and procedures in matters relating to student discipline. The procedures, at a minimum, must address the following:

(1) routine discipline case procedure; and

- (2) chronic or serious discipline case procedure.
- (b) All district policies must be consistent with the federal and state constitutions, state statutes and regulations as written or construed by courts of competent jurisdiction.
- (c) The use of corporal punishment in Alaska public schools is prohibited.

## **REGULATIONS**

No relevant regulations found.

## **In-school suspension**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Return to school following removal**

### **LAWS**

#### **14.30.047. Admission or readmission when cause no longer exists.**

- (a) A child who has been suspended from or denied admittance to a school under AS 14.30.045(3) or (4) shall be permitted to attend school when the child is obviously recovered or presents to the governing body a statement in writing from a competent medical authority that the child is no longer afflicted with, or suffering from, the physical or mental condition to the extent that it is a cause for suspension or denial of admission under AS 14.30.045(3) or (4).
- (b) A child who has been suspended from or denied admittance to a school for any other cause provided by AS 14.30.045 shall be permitted to attend school when it reasonably appears that the cause has been remedied.

### **REGULATIONS**

No relevant regulations found.

## **Use of restraint and seclusion**

### **LAWS**

#### **14.33.125. Student restraint or seclusion; limitations.**

- (a) A public school disciplinary and safety program must
  - (1) prohibit restraint or seclusion of a student except as provided in (b) of this section;
  - (2) be annually reviewed with school personnel;
  - (3) include a written report of each incident that is maintained in the student's record as described in (d) of this section; and
  - (4) include a review of each incident in which restraint or seclusion is used as provided in (e) of this section.

(b) A teacher, teacher's assistant, or other person responsible for students may physically restrain or seclude a student only if

- (1) the student's behavior poses an imminent danger of physical injury to the student or another person;
- (2) less restrictive interventions would be ineffective to stop the imminent danger to the student or another person;
- (3) the person continuously monitors the student in face-to-face contact or, if face-to-face contact is unsafe, by continuous direct visual contact with the student;
- (4) the person has received training in crisis intervention and de-escalation and restraint techniques that has been approved by the department under AS 14.33.127, unless a trained person is not immediately available and the circumstances are rare and present an unavoidable and unforeseen emergency; and
- (5) the restraint or seclusion is discontinued immediately when the student no longer poses an imminent danger of physical injury to the student or another person or when a less restrictive intervention is effective to stop the danger of physical injury.

(c) A teacher, teacher's assistant, or other person responsible for students may not

- (1) use chemical restraint;
- (2) use mechanical restraint; or
- (3) physically restrain a student by placing the student on the student's back or stomach or in a manner that restricts the student's breathing.

(d) School personnel who restrain or seclude a student shall provide a written report of the incident to the school administrator. A school shall provide a copy of the report to the student's parents or legal guardians. The report must include

- (1) the date and time of the incident;
- (2) the names and job titles of school personnel who participated in or supervised the incident;
- (3) a description of the activity that preceded the incident, including efforts and strategies used with the student before the incident;
- (4) a description of the incident, including the type and duration of the intervention used;
- (5) a description of how the incident ended, including any further action taken.

(e) A school district shall ensure that a review process is established and conducted for each incident that involves restraint or seclusion of a student. The review must be conducted as soon as practicable after the event and include

- (1) staff review of the incident;
- (2) follow-up communication with the student and the student's parent or legal guardian;
- (3) review of and recommendations for adjusting or amending procedures, strategies, accommodations, individualized education plans, or other student behavior plans, or for additional staff training.

(f) Each school district shall annually report to the department, on a form acceptable to the department, the total number of incidents involving the restraint or seclusion of a student. The report must specify

- (1) the number of incidents that resulted in injury or death of students or personnel;
- (2) the number of incidents in which school personnel involved in the restraint or seclusion were not trained in an approved crisis intervention training program as described in AS 14.33.127(b); and
- (3) the number of incidents involving the restraint or seclusion of a child with a disability under AS 14.30.350; the report must also include the category of the disability of the child involved in each incident.

(g) In this section,

- (1) "chemical restraint" means a psychopharmacologic drug that is used on a student for discipline or convenience and that is not required to treat a medical symptom;
- (2) "mechanical restraint" means the use of a device that is not a medical device or protective equipment prescribed by a qualified health care professional to restrict a student's freedom of movement;
- (3) "physically restrain" or "physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the student's arms, legs, or head freely;
- (4) "restraint" means physical restraint, chemical restraint, mechanical restraint, or other aversive behavioral interventions that compromise health and safety;
- (5) "seclusion" means the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving; "seclusion" does not include a classroom timeout, supervised detention, or suspension from school under AS 14.30.045.

**14.33.127. Crisis intervention training.**

(a) The department shall approve crisis intervention training programs for schools, which shall include training in

- (1) evidenced-based techniques that have been shown to be effective in the prevention of restraint and seclusion of students;
- (2) evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing physical restraint or seclusion of students;
- (3) evidence-based skills related to positive behavior supports, conflict prevention, understanding antecedents, de-escalation, and conflict management;
- (4) first aid and cardiopulmonary resuscitation; and
- (5) applicable policies and procedures.

(b) The governing body of a school shall ensure that a sufficient number of school employees receives periodic training in an approved crisis intervention program to meet the needs of the school population.

(c) In this section,

- (1) "restraint" has the meaning given in AS 14.33.125;
- (2) "seclusion" has the meaning given in AS 14.33.125.

**REGULATIONS**

**4 AAC 06.175. Reporting restraint and seclusion incidents.**

Annually, not later than June 30, a governing body shall provide a report to the department that includes all data required under AS 14.33.125(f). The governing body shall file the required report electronically in a format prescribed by the department, unless the governing body determines that the district does not have the capability of filing the report electronically in that format.

**4 AAC 06.177. Crisis intervention training programs.**

(a) The department will maintain a list of approved crisis intervention training programs. An approved program must

- (1) include training in all areas required under AS 14.33.127(a);
- (2) have a clear record of success in the prevention and safe use of physical restraint and seclusion;

(3) have undergone a peer-review process or have otherwise been the subject of scholarly research;  
and

(4) adequately address AS 14.33.127(a)(1) - (3).

(b) In determining whether a crisis intervention training program meets the requirement under (a)(4) of this section, the department will consider whether the program

(1) cautions against the use of mechanical or chemical restraint except as authorized by licensed and qualified medical personnel;

(2) limits the use of restraint and seclusion to situations where the student's behavior poses imminent danger of serious physical harm to self or others;

(3) requires discontinuation of restraint and seclusion as soon as the risk of serious harm dissipates;

(4) includes policies restricting the use of restraint and seclusion for all students, regardless of whether a student has a disability;

(5) emphasizes students' rights to be treated with dignity and be free from abuse;

(6) forbids the use of restraint or seclusion as a punishment or disciplinary technique;

(7) forbids the use of restraint or seclusion that restricts a student's breathing or otherwise harms the student;

(8) requires that the repeated use of restraint and seclusion by one individual or in a particular classroom will trigger an automatic review;

(9) requires the use of behavioral strategies that address the underlying cause or purpose of dangerous behavior;

(10) requires that instances of restraint and seclusion be visually monitored to ensure the appropriateness of the intervention and the safety of the student and school staff;

(11) requires notification of a student's parent or legal guardian regarding the governing body's restraint and seclusion policy and applicable federal, state, and local laws, and also requires that a student's parent or legal guardian be notified as soon as possible following each instance in which restraint or seclusion was used with the student; and

(12) provides for the regular review of the governing body's restraint and seclusion policies and requires written documentation.

(c) Annually, the department will review the list of crisis intervention training programs approved under (a) of this section. The department will review whether currently approved programs continue to meet the requirements under (a) of this section and the availability of other training programs that warrant approval by the department.

## **Alternative placements**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## ***Disciplinary Approaches Addressing Specific Infractions and Conditions***

### **Firearms (as required by the Gun-Free Schools Act)**

#### **LAWS**

##### **11.61.210. Misconduct involving weapons in the fourth degree.**

- (a) A person commits the crime of misconduct involving weapons in the fourth degree if the person [...]
- (7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess
- (A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;
- (B) a defensive weapon;
- (C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, "rural" means a community with a population of 5,500 or less that is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks; or
- (8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.
- (b) [Repealed, Sec. 4 ch 63 SLA 1990].
- (c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.
- (d) Misconduct involving weapons in the fourth degree is a class A misdemeanor.

##### **14.03.160. Suspension or expulsion of students for possessing weapons.**

- (a) Notwithstanding any other provision of law, a school district shall
- (1) expel for at least one year a student who violates AS 11.61.210(a)(8) while possessing a firearm, as that term is defined under 18 U.S.C. 921;

(2) suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210(a)(8) while possessing a deadly weapon, other than a firearm as that term is defined under 18 U.S.C. 921.

(b) The administrative officer of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student under (a) of this section.

(f) In this section,

(1) "deadly weapon" has the meaning given in AS 11.81.900; ["deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive]

## **REGULATIONS**

No relevant regulations found.

## **Other weapons**

### **LAWS**

#### **14.03.160. Suspension or expulsion of students for possessing weapons.**

(a) Notwithstanding any other provision of law, a school district shall

(1) expel for at least one year a student who violates AS 11.61.210(a)(8) while possessing a firearm, as that term is defined under 18 U.S.C. 921;

(2) suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210(a)(8) while possessing a deadly weapon, other than a firearm as that term is defined under 18 U.S.C. 921.

(b) The administrative officer of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student under (a) of this section.

(f) In this section,

(1) "deadly weapon" has the meaning given in AS 11.81.900; ["deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive]

## **REGULATIONS**

No relevant regulations found.

## **Students with chronic disciplinary issues**

### **LAWS**

#### **4 AAC 07.010. Establishment of district guidelines and procedures; prohibited discipline.**

(a) Each school district shall develop and adopt policies regarding student rights and responsibilities. These policies must address both substantive and procedural matters relating to standards of student behavior, treatment, and discipline. A uniform discipline policy must be in effect throughout the district for the purpose of establishing standards and procedures in matters relating to student discipline. The procedures, at a minimum, must address the following:

(1) routine discipline case procedure; and

(2) chronic or serious discipline case procedure.

(b) All district policies must be consistent with the federal and state constitutions, state statutes and regulations as written or construed by courts of competent jurisdiction.

(c) The use of corporal punishment in Alaska public schools is prohibited.

## **REGULATIONS**

No relevant regulations found.

## **Attendance and truancy**

### **LAWS**

#### **14.30.030. Prevention and reduction of truancy.**

The governing body of a school district, including a regional educational attendance area, shall establish procedures to prevent and reduce truancy.

### **REGULATIONS**

No relevant regulations found.

## **Substance use**

### **LAWS**

#### **14.33.120. School disciplinary and safety program.**

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

(1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;

(2) standards relating to when a teacher is authorized to remove a student from the classroom for

(A) failure to follow student behavior and safety standards; or

(B) behavior described under AS 14.30.045(1) or (2);

(3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310(b);

(4) standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

(5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

(6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;

(7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;

(8) procedures for periodic review and revision of the school disciplinary and safety program.

(9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

## **REGULATIONS**

No relevant regulations found.

## **Bullying, harassment, or hazing**

### **LAWS**

#### **14.33.200. Harassment, intimidation, and bullying policy.**

(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.

(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.

(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

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

Beginning with the 2007 - 2008 school year, each school district shall report to the department by November 30 all incidents resulting in suspension or expulsion for harassment, intimidation, or bullying on school premises or on transportation systems used by schools in the school year preceding the report. The department shall compile the data and report it to the appropriate committees of the Alaska House of Representatives and the Senate.

#### **14.33.220. Reporting; no reprisals.**

(a) A school employee, student, or volunteer may not engage in reprisal, retaliation, or false accusation against a victim, witness, or person with reliable information about an act of harassment, intimidation, or bullying.

(b) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, shall report the incident to an appropriate school official.

(c) This section does not prohibit discipline or other adverse action taken in compliance with school district policies against a person who falsely and in bad faith accuses a person of engaging in harassment, intimidation, or bullying or who intentionally provides false information in connection with an investigation of an alleged incident of harassment, intimidation, or bullying.

**14.33.230. Immunity from suit.**

A school employee, student, or volunteer who reports an incident of harassment, intimidation, or bullying to a school official and who makes this report in good faith is immune from a cause of action for damages arising from a failure to remedy the reported incident or for making the report.

**14.33.250. Definitions.**

In AS 14.33.200 - 14.33.250,

- (1) "district" has the meaning given in AS 14.17.990;
- (2) "harassment, intimidation, or bullying" means an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and
  - (A) physically harms the student or damages the student's property;
  - (B) has the effect of substantially interfering with the student's education;
  - (C) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
  - (D) has the effect of substantially disrupting the orderly operation of the school;
- (3) "school official" means an employee of a school, including a teacher, administrator, or noncertificated support staff or paraprofessional.

**REGULATIONS**

No relevant regulations found.

**Other special infractions or conditions**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

## ***Prevention and Behavioral Interventions (Non-Punitive)***

### **Prevention**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Behavioral interventions and student support services**

#### **LAWS**

##### **14.30.176. List of community resources.**

(a) Notwithstanding AS 14.30.171(a)(4), a school district may make available to an interested parent or guardian a list of community resources, including mental health services if the list conspicuously states the following: "This list is provided as a resource to you. The school neither recommends nor requires that you use this list or any of the services provided by individuals or entities on the list. It is for you to decide what services, if any, to use and from whom you wish to obtain them."

(b) A list provided under (a) of this section must include the name, specialty, and credential of each mental health service provider listed.

#### **REGULATIONS**

No relevant regulations found.

### **Professional development**

#### **LAWS**

##### **14.33.100. Required school crisis response planning.**

(d) Each district shall provide to each district employee training in crisis response, including evacuation and lock down drills. New district employees who have not previously received the training required under this subsection shall receive the required training within two years after the first day of employment and, thereafter, according to the schedule adopted by the governing body of a school district.

##### **14.33.127. Crisis intervention training.**

(a) The department shall approve crisis intervention training programs for schools, which shall include training in

- (1) evidenced-based techniques that have been shown to be effective in the prevention of restraint and seclusion of students;
- (2) evidence-based techniques shown to be effective in keeping school personnel and students safe when imposing physical restraint or seclusion of students;
- (3) evidence-based skills related to positive behavior supports, conflict prevention, understanding antecedents, de-escalation, and conflict management;

(4) first aid and cardiopulmonary resuscitation; and

(5) applicable policies and procedures.

(b) The governing body of a school shall ensure that a sufficient number of school employees receives periodic training in an approved crisis intervention program to meet the needs of the school population.

(c) In this section,

(1) "restraint" has the meaning given in AS 14.33.125;

(2) "seclusion" has the meaning given in AS 14.33.125.

#### **14.33.200. Harassment, intimidation, and bullying policy.**

(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.

(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.

(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

## **REGULATIONS**

### **4 AAC 06.177. Crisis intervention training programs.**

(a) The department will maintain a list of approved crisis intervention training programs. An approved program must

(1) include training in all areas required under AS 14.33.127(a);

(2) have a clear record of success in the prevention and safe use of physical restraint and seclusion;

(3) have undergone a peer-review process or have otherwise been the subject of scholarly research; and

(4) adequately address AS 14.33.127(a)(1) - (3).

(b) In determining whether a crisis intervention training program meets the requirement under (a)(4) of this section, the department will consider whether the program

(1) cautions against the use of mechanical or chemical restraint except as authorized by licensed and qualified medical personnel;

(2) limits the use of restraint and seclusion to situations where the student's behavior poses imminent danger of serious physical harm to self or others;

- (3) requires discontinuation of restraint and seclusion as soon as the risk of serious harm dissipates;
  - (4) includes policies restricting the use of restraint and seclusion for all students, regardless of whether a student has a disability;
  - (5) emphasizes students' rights to be treated with dignity and be free from abuse;
  - (6) forbids the use of restraint or seclusion as a punishment or disciplinary technique;
  - (7) forbids the use of restraint or seclusion that restricts a student's breathing or otherwise harms the student;
  - (8) requires that the repeated use of restraint and seclusion by one individual or in a particular classroom will trigger an automatic review;
  - (9) requires the use of behavioral strategies that address the underlying cause or purpose of dangerous behavior;
  - (10) requires that instances of restraint and seclusion be visually monitored to ensure the appropriateness of the intervention and the safety of the student and school staff;
  - (11) requires notification of a student's parent or legal guardian regarding the governing body's restraint and seclusion policy and applicable federal, state, and local laws, and also requires that a student's parent or legal guardian be notified as soon as possible following each instance in which restraint or seclusion was used with the student; and
  - (12) provides for the regular review of the governing body's restraint and seclusion policies and requires written documentation.
- (c) Annually, the department will review the list of crisis intervention training programs approved under (a) of this section. The department will review whether currently approved programs continue to meet the requirements under (a) of this section and the availability of other training programs that warrant approval by the department.

## ***Monitoring and Accountability***

### **Formal incident reporting of conduct violations**

#### **LAWS**

##### **14.33.120. School disciplinary and safety program.**

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

- (1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;
- (2) standards relating to when a teacher is authorized to remove a student from the classroom for
  - (A) failure to follow student behavior and safety standards; or
  - (B) behavior described under AS 14.30.045(1) or (2);
- (3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310(b);
- (4) standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430(a)(2);
- (5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);
- (6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;
- (7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;
- (8) procedures for periodic review and revision of the school disciplinary and safety program.
- (9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

##### **14.33.125. Student restraint or seclusion; limitations.**

(d) School personnel who restrain or seclude a student shall provide a written report of the incident to the school administrator. A school shall provide a copy of the report to the student's parents or legal guardians. The report must include

- (1) the date and time of the incident;
- (2) the names and job titles of school personnel who participated in or supervised the incident;
- (3) a description of the activity that preceded the incident, including efforts and strategies used with the student before the incident;

- (4) a description of the incident, including the type and duration of the intervention used;
  - (5) a description of how the incident ended, including any further action taken.
- (e) A school district shall ensure that a review process is established and conducted for each incident that involves restraint or seclusion of a student. The review must be conducted as soon as practicable after the event and include
- (1) staff review of the incident;
  - (2) follow-up communication with the student and the student's parent or legal guardian;
  - (3) review of and recommendations for adjusting or amending procedures, strategies, accommodations, individualized education plans, or other student behavior plans, or for additional staff training.

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

Beginning with the 2007 - 2008 school year, each school district shall report to the department by November 30 all incidents resulting in suspension or expulsion for harassment, intimidation, or bullying on school premises or on transportation systems used by schools in the school year preceding the report. The department shall compile the data and report it to the appropriate committees of the Alaska House of Representatives and the Senate.

**14.33.220. Reporting; no reprisals.**

- (a) A school employee, student, or volunteer may not engage in reprisal, retaliation, or false accusation against a victim, witness, or person with reliable information about an act of harassment, intimidation, or bullying.
- (b) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, shall report the incident to an appropriate school official.
- (c) This section does not prohibit discipline or other adverse action taken in compliance with school district policies against a person who falsely and in bad faith accuses a person of engaging in harassment, intimidation, or bullying or who intentionally provides false information in connection with an investigation of an alleged incident of harassment, intimidation, or bullying.

**REGULATIONS**

**4 AAC 06.172. Reporting of school disciplinary and safety programs.**

- (a) A governing body of a school board shall report to the department information relating to the school district disciplinary and safety program required by AS 14.33.120 . The report shall be submitted annually with the school report required by AS 14.03.120 (a).
- (b) To meet the requirements of AS 14.33.120 (a)(1) for collaboration at each school in development and review of the standards, the report must provide a description of the procedures used to develop the community-based standards of school behavior and safety contained in the school safety and discipline program, including
  - (1) the persons who were involved in developing the standards;
  - (2) the parameters for evaluation to assess the effectiveness of the standards; and
  - (3) the period of review and evaluation of the standards.
- (c) The report must also include a description of the annual number of incidents by school of disruptive or violent student behavior, including the number of students suspended or expelled for
  - (1) under AS 14.03.160 , possession of deadly weapons; and
  - (2) discipline violations not specified in (1) of this subsection.

## Parental notification

### LAWS

No relevant laws found.

### REGULATIONS

#### **4 AAC 06.177. Crisis intervention training programs.**

(b) In determining whether a crisis intervention training program meets the requirement under (a)(4) of this section, the department will consider whether the program

- (11) requires notification of a student's parent or legal guardian regarding the governing body's restraint and seclusion policy and applicable federal, state, and local laws, and also requires that a student's parent or legal guardian be notified as soon as possible following each instance in which restraint or seclusion was used with the student; and

## Reporting and referrals between schools and law enforcement

### LAWS

#### **14.03.160. Suspension or expulsion of students for possessing weapons.**

(a) Notwithstanding any other provision of law, a school district shall

- (1) expel for at least one year a student who violates AS 11.61.210(a)(8) while possessing a firearm, as that term is defined under 18 U.S.C. 921;
- (2) suspend for at least 30 days, or expel for the school year or permanently, a student who violates AS 11.61.210 (a)(8) while possessing a deadly weapon, other than a firearm as that term is defined under 18 U.S.C. 921.

(b) The administrative officer of a school district may on a case-by-case basis reduce or otherwise modify the expulsion or suspension of a student under (a) of this section.

(c) A prior conviction, or adjudication of delinquency or child in need of aid, for violation of AS 11.61.210 (a)(8) is not necessary for a school board to suspend or expel a student under this section.

(d) Each school district shall adopt a policy providing for the

- (1) referral to law enforcement authorities of students who violate AS 11.61.210 (a)(8);
- (2) identification of procedures and conditions for early reinstatement of students suspended or expelled under this section.

(e) Annually on a date set by the department, each school district shall report to the department the number of students expelled under this section and the types of weapons involved.

(f) In this section,

- (1) "deadly weapon" has the meaning given in AS 11.81.900 ;
- (2) "district" has the meaning given in AS 14.17.990 .

#### **14.33.100. Required school crisis response planning.**

(a) Each district shall develop a model school crisis response plan for use by each school in the district. Each school in a district shall develop a school specific crisis response plan. Each school shall form a crisis response team consisting of the principal, one certified and one classified member of the school staff, and one parent whose child attends the school. The crisis response team may include one member

of the governing board or advisory school board, a school counselor, a member from local law enforcement authorities, and one student in grade 10 or higher if the school has those grades. The district and each school within the district shall consult with local social services agencies and local law enforcement authorities when developing the school crisis response plan.

**14.33.130. Enforcement of approved program; additional safety obligations.**

(a) A teacher, a 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 an approved school disciplinary and safety program, including behavior standards, adopted under AS 14.33.120. (b) A teacher, a teacher's assistant, a principal, or another person responsible for students who (1) receives information about a student under AS 47.12.310(b) or receives information that may affect the safety of students or staff shall notify the student's teacher or a school administrator; and (2) in the course of employment, observes a student committing a crime shall report the crime to the local law enforcement agency; in this paragraph, "crime" has the meaning given in AS 11.81.900.

**14.33.200. Harassment, intimidation, and bullying policy.**

(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.

(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.

(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

**REGULATIONS**

No relevant regulations found.

**Disclosure of school records**

**LAWS**

**14.30.172. Communication not prohibited.**

(a) Nothing in AS 14.30.171 may be construed to prohibit school personnel from

(1) consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation

for special education or related services as long as school personnel do not make an assertion or recommendation that violates AS 14.30.171; or

(2) exercising their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of a school disciplinary and safety program adopted under AS 14.03.160, AS 14.30.045, or AS 14.33.110 - 14.33.140.

(b) Nothing in AS 14.30.171 may be construed to prevent teachers or other school personnel from complying with the requirements of AS 47.17.020(a) or (b) or from filing a report to authorities if a child poses a serious and imminent risk to the child's or another person's safety.

#### **47.12.310. Agency records.**

(a) Except as specified in AS 47.12.315, 47.12.320, and (b) - (g) and (i) of this section, all information and social records pertaining to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty, including driver's license actions under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without a court order.

(b) A state or municipal agency or employee shall disclose

(1) information regarding a case to a federal, state, or municipal law enforcement agency for a specific investigation being conducted by that agency;

(2) appropriate information regarding a case to

(A) a guardian ad litem appointed by the court;

(B) a person or an agency requested by the department or the minor's legal custodian to provide consultation or services for a minor who is subject to the jurisdiction of the court under this chapter as necessary to enable the provision of the consultation or services;

(C) school officials as may be necessary to protect the safety of the minor who is the subject of the case and the safety of school students and staff or to enable the school to provide appropriate counseling and supportive services to meet the needs of a minor about whom information is disclosed;

(D) a governmental agency as may be necessary to obtain that agency's assistance for the department in its investigation or to obtain physical custody of a minor;

(E) a law enforcement agency of this state or another jurisdiction as may be necessary for the protection, rehabilitation, or supervision of any minor or for actions by that agency to protect the public safety;

(F) a victim or to the victim's insurance company as may be necessary to inform the victim or the insurance company about the arrest of the minor, including the minor's name and the names of the minor's parents, copies of reports, or the disposition or resolution of a case involving a minor;

(G) the state medical examiner under AS 12.65 as may be necessary to perform the duties of the state medical examiner;

(H) foster parents or relatives with whom the child is placed by the department as may be necessary to enable the foster parents or relatives to provide appropriate care for the child who is the subject of the case, to protect the safety of the child who is the subject of the case, and to protect the safety and property of family members and visitors of the foster parents or relatives;

(I) the Department of Law or its agent for use and subsequent release if necessary for collection of an order of restitution on behalf of the recipient

(J) the Violent Crimes Compensation Board established in AS 18.67.020 for use in awarding compensation under AS 18.67.080;

(K) a state, municipal, or federal agency of this state or another jurisdiction that has the authority to license adult or children's facilities and services;

(L) a child placement agency licensed under AS 47.32 as necessary to provide services for a minor who is subject to the jurisdiction of the court under this chapter; and

(M) a state or municipal agency of this state or another jurisdiction that is responsible for child protection services, as may be necessary for the administration of services, protection, rehabilitation, or supervision of a minor or for actions by the agency to protect the public safety; and

(3) to the University of Alaska under the Alaska higher education savings program for children established under AS 47.14.400 information that is necessary to support the program, but only if the information released is maintained as a confidential record by the University of Alaska.

(c) A state or municipal law enforcement agency

(1) shall disclose information regarding a case that is needed by the person or agency charged with making a preliminary investigation for the information of the court under this chapter;

(2) may disclose to the public information regarding a criminal offense in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

(3) may disclose to school officials information regarding a case as may be necessary to protect the safety of school students and staff or to enable the school to provide appropriate counseling and supportive services to meet the needs of a minor about whom information is disclosed;

(4) may disclose to the public information regarding a case as may be necessary to protect the safety of the public; and

(5) may disclose to a victim or to the victim's insurance company information, including copies of reports, as necessary for civil litigation or insurance claims pursued by or against the victim.

(d) Upon request of a victim, the department shall make every reasonable effort to notify the victim as soon as practicable, by telephone or in writing, when a delinquent minor is to be released from placement in a juvenile facility under AS 47.12.120(b)(1). The notice under this subsection must include the expected date of the delinquent minor's release, the geographic area in which the delinquent minor is required to reside, and other pertinent information concerning the delinquent minor's conditions of release that may affect the victim.

(e) A person may authorize the department to release information to the military or to a prospective employer about the existence of a delinquency adjudication against that person under this chapter and the offense on which it was based.

(f) The department may release to a person with a legitimate interest information relating to a minor subject to the jurisdiction of the department under this chapter. The department shall adopt regulations under AS 44.62 to implement this subsection, including regulations governing the release of information and standards for identifying a legitimate interest in the information.

(g) The department and affected law enforcement agencies shall work with school districts and private schools to develop procedures for the disclosure of information to school officials under (b)(2)(C) and (c)(3) of this section. The procedures must provide a method for informing the principal or the principal's designee of the school the student attends as soon as it is reasonably practicable.

(h) Notwithstanding (c)(3) of this section, a state or municipal law enforcement agency is not required to notify the appropriate school official of a school district or school under (c) of this section if the agency determines that notice would jeopardize an ongoing investigation.

(i) A state or municipal agency, other than a state or municipal law enforcement agency, or authorized employee may disclose to the public information regarding a case as may be necessary to protect the safety of the public provided the disclosure is authorized by regulations adopted by the department.

(j) In this section, "school" means a public or private elementary or secondary school.

(k) A person who discloses confidential information in violation of this section is guilty of a class B misdemeanor.

## REGULATIONS

No relevant regulations found.

## Data collection, review, and reporting of disciplinary policies and actions

### LAWS

#### **14.33.100. Required school crisis response planning.**

(a) Each district shall develop a model school crisis response plan for use by each school in the district. Each school in a district shall develop a school specific crisis response plan. Each school shall form a crisis response team consisting of the principal, one certified and one classified member of the school staff, and one parent whose child attends the school. The crisis response team may include one member of the governing board or advisory school board, a school counselor, a member from local law enforcement authorities, and one student in grade 10 or higher if the school has those grades. The district and each school within the district shall consult with local social services agencies and local law enforcement authorities when developing the school crisis response plan.

(b) A school specific crisis response plan must meet standards as determined by the department by regulation. A school specific crisis response plan must include

- (1) the person in charge and a designated substitute;
- (2) the names of the crisis response team members and their specific job functions relating to a crisis;
- (3) a communication plan;
- (4) protocols for responding to immediate physical harm of students, faculty, or staff and to traumatic events, including the period after the events have concluded;
- (5) disaster and emergency procedures to respond to earthquakes, fire, flood, explosions, or other events or conditions in which death or serious injury is likely;
- (6) crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
- (7) policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.

(c) Each district shall annually review and update as appropriate each school's crisis response plan. A copy of each school's crisis response plan, as annually updated, shall be retained by the district and a copy provided to each local agency that has a role in the plan. Notice of completion of the annual review and update and the location of a school's crisis response plan shall be posted at each school in the district. A school crisis response plan shall be printed and available for inspection by the public.

(d) Each district shall provide to each district employee training in crisis response, including evacuation and lock down drills. New district employees who have not previously received the training required under this subsection shall receive the required training within two years after the first day of employment and, thereafter, according to the schedule adopted by the governing body of a school district.

(e) In this section,

- (1) "crisis" includes a traumatic event or emergency condition that creates distress, hardship, fear, or grief;
- (2) "district" has the meaning given in AS 14.17.990.

**14.33.120. School disciplinary and safety program.**

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

- (1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;
- (2) standards relating to when a teacher is authorized to remove a student from the classroom for
  - (A) failure to follow student behavior and safety standards; or
  - (B) behavior described under AS 14.30.045 (1) or (2);
- (3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310 (b);
- (4) standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430 (a)(2);
- (5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);
- (6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;
- (7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;
- (8) procedures for periodic review and revision of the school disciplinary and safety program.
- (9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

**14.33.125. Student restraint or seclusion; limitations.**

- (a) A public school disciplinary and safety program must
  - (1) prohibit restraint or seclusion of a student except as provided in (b) of this section;
  - (2) be annually reviewed with school personnel;
  - (3) include a written report of each incident that is maintained in the student's record as described in (d) of this section; and
  - (4) include a review of each incident in which restraint or seclusion is used as provided in (e) of this section.
- (f) Each school district shall annually report to the department, on a form acceptable to the department, the total number of incidents involving the restraint or seclusion of a student. The report must specify

- (1) the number of incidents that resulted in injury or death of students or personnel;
- (2) the number of incidents in which school personnel involved in the restraint or seclusion were not trained in an approved crisis intervention training program as described in AS 14.33.127(b); and
- (3) the number of incidents involving the restraint or seclusion of a child with a disability under AS 14.30.350; the report must also include the category of the disability of the child involved in each incident.

## **REGULATIONS**

### **4 AAC 06.177. Crisis intervention training programs.**

(b) In determining whether a crisis intervention training program meets the requirement under (a)(4) of this section, the department will consider whether the program

(12) provides for the regular review of the governing body's restraint and seclusion policies and requires written documentation.

(c) Annually, the department will review the list of crisis intervention training programs approved under (a) of this section. The department will review whether currently approved programs continue to meet the requirements under (a) of this section and the availability of other training programs that warrant approval by the department.

### **4 AAC 06.175. Reporting restraint and seclusion incidents.**

Annually, not later than June 30, a governing body shall provide a report to the department that includes all data required under AS 14.33.125(f). The governing body shall file the required report electronically in a format prescribed by the department, unless the governing body determines that the district does not have the capability of filing the report electronically in that format.

### **4 AAC 06.250. Reporting.**

(a) A district shall provide to the department a report on or before June 30 of each year that describes for each school in the district during the school year the number of

- (1) infractions involving violence against a person at the school;
- (2) infractions involving a weapon at the school;
- (3) days students were suspended for infractions involving violence against a person or infractions involving a weapon at each school;
- (4) expulsions for infractions involving violence against a person or infractions involving a weapon at a school;
- (5) transfers requested and provided under 4 AAC 06.210 or 4 AAC 06.240;
- (6) victims of violent criminal offenses as determined under 4 AAC 06.230; and
- (7) trancies at schools in the district, as determined by the district under its procedures established under AS 14.30.030.

(b) A district shall file the report required in (a) of this section electronically in a format required by the department, unless the department determines in writing that the district does not have the capability of filing the report electronically in that format.

### **4 AAC 07.050. Review of policies.**

Since student rights and responsibilities in the public schools are recognized as an ever changing and constantly developing area, each district shall review its policies and make such revisions as statutes,

regulations or court decisions make necessary. District reviews shall be accomplished at least once every three years.

## ***School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers***

### **Authority and power to implement school arrest**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Certification or training**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **MOUs, authorization, and/or funding**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

## ***State Education Agency Support***

### **State model policies and implementation support**

#### **LAWS**

##### **14.33.200. Harassment, intimidation, and bullying policy.**

(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

#### **REGULATIONS**

No relevant regulations found.

### **Funding appropriations**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **LAWS**

##### **14.33.130. Enforcement of approved program; additional safety obligations.**

(a) A teacher, a 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 an approved school disciplinary and safety program, including behavior standards, adopted under AS 14.33.120.

(b) A teacher, a teacher's assistant, a principal, or another person responsible for students who

(1) receives information about a student under AS 47.12.310(b) or receives information that may affect the safety of students or staff shall notify the student's teacher or a school administrator; and

(2) in the course of employment, observes a student committing a crime shall report the crime to the local law enforcement agency; in this paragraph, "crime" has the meaning given in AS 11.81.900.

##### **14.33.140. Civil liability for enforcing disciplinary and safety program.**

A teacher, a teacher's assistant, a principal, or another person responsible for students is not liable for civil damage resulting from an act or omission (1) arising out of enforcement of an approved school disciplinary and safety program adopted under AS 14.33.120; and (2) arising out of and in the course of employment unless the act or omission constitutes gross negligence or reckless or intentional misconduct.

##### **14.33.230. Immunity from suit.**

A school employee, student, or volunteer who reports an incident of harassment, intimidation, or bullying to a school official and who makes this report in good faith is immune from a cause of action for damages arising from a failure to remedy the reported incident or for making the report.

#### **REGULATIONS**

No relevant regulations found.

### **Community input or involvement**

#### **LAWS**

##### **14.33.100. Required school crisis response planning.**

(a) Each district shall develop a model school crisis response plan for use by each school in the district. Each school in a district shall develop a school specific crisis response plan. Each school shall form a crisis response team consisting of the principal, one certified and one classified member of the school staff, and one parent whose child attends the school. The crisis response team may include one member of the governing board or advisory school board, a school counselor, a member from local law enforcement authorities, and one student in grade 10 or higher if the school has those grades. The district and each school within the district shall consult with local social services agencies and local law enforcement authorities when developing the school crisis response plan.

(b) A school specific crisis response plan must meet standards as determined by the department by regulation. A school specific crisis response plan must include

- (1) the person in charge and a designated substitute;
- (2) the names of the crisis response team members and their specific job functions relating to a crisis;
- (3) a communication plan;
- (4) protocols for responding to immediate physical harm of students, faculty, or staff and to traumatic events, including the period after the events have concluded;
- (5) disaster and emergency procedures to respond to earthquakes, fire, flood, explosions, or other events or conditions in which death or serious injury is likely;
- (6) crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and
- (7) policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.

(c) Each district shall annually review and update as appropriate each school's crisis response plan. A copy of each school's crisis response plan, as annually updated, shall be retained by the district and a copy provided to each local agency that has a role in the plan. Notice of completion of the annual review and update and the location of a school's crisis response plan shall be posted at each school in the district. A school crisis response plan shall be printed and available for inspection by the public.

(d) Each district shall provide to each district employee training in crisis response, including evacuation and lock down drills. New district employees who have not previously received the training required under this subsection shall receive the required training within two years after the first day of employment and, thereafter, according to the schedule adopted by the governing body of a school district.

(e) In this section,

- (1) "crisis" includes a traumatic event or emergency condition that creates distress, hardship, fear, or grief;
- (2) "district" has the meaning given in AS 14.17.990.

**14.33.120. School disciplinary and safety program.**

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

- (1) standards for student behavior and safety that reflect community standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;
- (2) standards relating to when a teacher is authorized to remove a student from the classroom for
  - (A) failure to follow student behavior and safety standards; or
  - (B) behavior described under AS 14.30.045(1) or (2);
- (3) procedures for notifying teachers of dangerous students consistent with AS 47.12.310(b);
- (4) standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline as described under AS 11.81.430(a)(2);
- (5) policies necessary to comply with provisions of state and federal law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

- (6) standards to address needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program;
- (7) policies for implementing a student conflict resolution strategy, including the nonviolent resolution or mediation of conflicts and procedures for reporting and resolving conflicts;
- (8) procedures for periodic review and revision of the school disciplinary and safety program.
- (9) policies and procedures consistent with standards for use of restraint and seclusion of students as described in AS 14.33.125.

(b) A school shall, on the same day as the incident, provide to the parent or legal guardian of an affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

**14.33.200. Harassment, intimidation, and bullying policy.**

(a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.

(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.

(c) By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

**REGULATIONS**

No relevant regulations found.

**Other or Uncategorized**

**LAWS**

No relevant laws found.

**REGULATIONS**

**4 AAC 06.230. Victim of a violent criminal offense.**

(a) Within 10 days after an incident in which a student is a victim of a violent criminal offense on the grounds of the school attended by the student, a district shall notify the parents of the student that the parents may, within 30 days after the notice is sent, elect to have the student transferred to the parent's

choice of one of two or more safe schools within the district. If a parent timely requests a transfer under this section, the district shall provide the transfer within 30 days after receiving the request.

(b) Within 10 days after receiving notice that an incident of violence on school grounds may have occurred, a district shall determine whether substantial evidence indicates that a student was a victim of a violent criminal offense. A district shall consider a student eligible for a transfer under this section 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 appeal to the commissioner within 30 days after receipt of the refusal. The commissioner or the commissioner's designee may use the existing record or may hear additional evidence to determine whether the student is eligible for a transfer under (a) of this section. Nothing in this section gives a determination by the district or the commissioner under this section preclusive effect in any other legal proceeding. A decision by the commissioner or the commissioner's designee is a final decision for purposes of judicial review.

(c) A district is not required to provide the notice or transfer option required under (a) of this section to a student who attends a youth detention center, but shall notify the parents of the incident.

(d) 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 comply with (a) of this section.

(e) In this section, "violent criminal offense" means an incident, regardless of whether it was the subject of a criminal charge, that would establish the elements of an offense under

- (1) AS 11.41 (Offenses Against the Person);
- (2) AS 11.61.160 (Recruiting a Gang Member in the First Degree); or
- (3) AS 11.61.195 (Misconduct Involving Weapons in the First Degree).

**4 AAC 06.240. Parent's options.**

A parent who requests a transfer under 4 AAC 06.210 or 4 AAC 06.230 may also request that the student remain in the receiving school until the student completes the highest grade level offered by that school. The district shall grant the request.

## State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Alaska provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
EED School Safety and Emergency Management	School safety laws and regulations and resources.	<a href="https://education.alaska.gov/TLS/SchoolSafety/">https://education.alaska.gov/TLS/SchoolSafety/</a>
Suspension, Expulsion, and Truancy Reporting	Procedure for reporting truanancies, and suspensions of expulsions for disciplinary actions such as weapons and bullying.	<a href="http://education.alaska.gov/tls/SchoolSafety/SuspExpTruancy.html">http://education.alaska.gov/tls/SchoolSafety/SuspExpTruancy.html</a>
Restraint & Seclusion	U.S. DOE's 15 principles and procedures for developing restraint policies. Includes links to training programs, and state and national resources.	<a href="http://www.eed.state.ak.us/tls/schoolsafety/restraint.html">http://www.eed.state.ak.us/tls/schoolsafety/restraint.html</a>
<i>Documents</i>		
EED School Safety	Alaska law – Policy samples.	<a href="https://education.alaska.gov/TLS/SchoolSafety/Docs/AS_14.33.200_14.33.250.pdf">https://education.alaska.gov/TLS/SchoolSafety/Docs/AS_14.33.200_14.33.250.pdf</a>
Model School District Policy on Suicide Prevention	Model policy on suicide prevention, including model language, commentary, and resources.	<a href="http://www.eed.state.ak.us/tls/suicide/pdf/model_school_district_policy_suicide_prevention.pdf">http://www.eed.state.ak.us/tls/suicide/pdf/model_school_district_policy_suicide_prevention.pdf</a>
Disproportionality	Disproportionality defined, as well as IDEA reporting guidelines and links to other resources.	<a href="https://education.alaska.gov/TLS/SPED/pdf/Indicator9&amp;10/Tools/AlaskaDisproChart092211.pdf">https://education.alaska.gov/TLS/SPED/pdf/Indicator9&amp;10/Tools/AlaskaDisproChart092211.pdf</a>
<i>Other Resources</i>		
Domestic Violence & Sexual Assault Educator Training	Training for educators focusing on domestic violence & sexual assault prevention.	<a href="http://www.eed.state.ak.us/elearning/dvsa.html">http://www.eed.state.ak.us/elearning/dvsa.html</a>