

CS FOR HOUSE BILL NO. 253(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 1/21/00

Referred: Judiciary

Sponsor(s): REPRESENTATIVES DYSON, Whitaker

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a school disciplinary and safety program; and providing for
2 an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 14.07.020(a) is amended by adding a new paragraph to read:

5 (16) require the reporting of information relating to school disciplinary
6 and safety programs under AS 14.33.120 and of incidents of disruptive or violent
7 behavior.

8 * **Sec. 2.** AS 14.33 is amended by adding new sections to read:

9 **Article 3. Required School Disciplinary and Safety Program.**

10 **Sec. 14.33.110. Purpose of school disciplinary and safety program.** The
11 purpose of AS 14.33.110 - 14.33.140 is to

12 (1) implement and maintain community-based standards of school
13 behavior that are understood, accepted, and upheld by students, parents, teachers,
14 school administrators, and the community;

1 (2) facilitate the creation of a standard of school behavior and safety
2 by local communities for the schools in those communities;

3 (3) protect and support teachers who enforce standards of student
4 behavior and safety in the classroom established under AS 14.33.120; and

5 (4) ensure that all schools and school districts receiving state funds, that
6 may not have already done so, implement and maintain an effective school disciplinary
7 and safety program.

8 **Sec. 14.33.120. School disciplinary and safety program.** (a) Each school
9 shall adopt a written school disciplinary and safety program that is developed with the
10 collaboration of members of the community, parents, teachers, and other persons
11 responsible for the students at that school. A disciplinary and safety program adopted
12 by a school must include the following:

13 (1) standards for student behavior and safety that reflect community
14 standards and, at a minimum, basic requirements for respect and honesty;

15 (2) policies and procedures for developing and maintaining student
16 behavior and safety standards as a collaborative community effort;

17 (3) policies and procedures for authorizing a teacher to remove a
18 student from the classroom for failure to follow the school behavior and safety
19 standards;

20 (4) policies and procedures for authorizing a teacher to remove a
21 student for behavior described under AS 14.30.045(1) or (2);

22 (5) procedures to notify teachers of dangerous students consistent with
23 AS 47.12.310(b);

24 (6) policies authorizing a teacher, teacher's assistant, or other person
25 responsible for students to use reasonable and appropriate force to maintain classroom
26 safety and discipline as described under AS 11.81.430(a)(2).

27 (b) A school district shall report information relating to school district
28 disciplinary and safety programs as required by the department, including incidents of
29 disruptive or violent behavior. A school disciplinary and safety program adopted by
30 a school is not effective until approved by the governing body of the school district.

31 **Sec. 14.33.130. Enforcement of approved program; additional safety**

1 **obligations.** (a) A teacher, a teacher's assistant, a principal, or another person
 2 responsible for students may not be terminated or otherwise punished for enforcement
 3 of an approved school disciplinary and safety program, including behavior standards,
 4 adopted under AS 14.33.120.

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

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

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

13 (c) If a member of the governing body of a school district knowingly allows
 14 a teacher, a teacher's assistant, a principal, or another person responsible for students
 15 to be terminated or punished in violation of (a) of this section, the member is guilty
 16 of a class A misdemeanor.

17 **Sec. 14.33.140. Civil liability for enforcing disciplinary and safety**
 18 **program.** A teacher, a teacher's assistant, a principal, or another person responsible
 19 for students is not liable for civil damage resulting from an act or omission arising out
 20 of enforcement of an approved school disciplinary and safety program adopted under
 21 AS 14.33.120 unless the act or omission constitutes gross negligence or reckless or
 22 intentional misconduct.

23 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section
 24 to read:

25 TRANSITION. A school shall adopt the initial school disciplinary and safety program
 26 required by AS 14.33.120, enacted in sec. 2 of this Act, by January 1, 2001.

27 * **Sec. 4.** This Act takes effect July 1, 2000.