

SENATE CS FOR CS FOR HOUSE BILL NO. 253(HES) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Amended: 4/21/00

Offered: 4/20/00

Sponsor(s): REPRESENTATIVES DYSON, Whitaker, Harris, Kohring, Ogan, Smalley, Phillips

SENATORS Halford, Wilken, Leman, Phillips, Pete Kelly, Ward

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 developed by students, parents, teachers, school administrators, and
14 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
9 governing body shall adopt a written school disciplinary and safety program. The
10 program required under this subsection must include written

11 (1) standards for student behavior and safety that reflect community
12 standards and that include, at a minimum, basic requirements for respect and honesty;
13 standards required under this paragraph must be developed and periodically revised
14 with the collaboration of members of each attendance area, parents, teachers, and other
15 persons responsible for the students at a school;

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

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

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

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

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

25 (5) policies necessary to comply with provisions of state and federal
26 law, including 20 U.S.C. 1400 - 1485 (Individuals with Disabilities Education Act);

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

30 (7) procedures for periodic review and revision of the school
31 disciplinary and safety program.

1 (b) A school district shall report information relating to school district
2 disciplinary and safety programs as required by the department, including incidents of
3 disruptive or violent behavior.

4 **Sec. 14.33.130. Enforcement of approved program; additional safety**
5 **obligations.** (a) A teacher, a teacher's assistant, a principal, or another person
6 responsible for students may not be terminated or otherwise subjected to formal
7 disciplinary action for lawful enforcement of an approved school disciplinary and
8 safety program, including behavior standards, adopted under AS 14.33.120.

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

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

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

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 (1) arising
20 out of enforcement of an approved school disciplinary and safety program adopted
21 under AS 14.33.120; and (2) arising out of and in the course of employment unless the
22 act or omission constitutes gross negligence or reckless or 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 governing body shall adopt the initial school disciplinary and safety
26 program 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.