

AMENDMENT #53

OFFERED IN THE HOUSE
TO: CSHB 69(RLS)

BY REPRESENTATIVE RUFFRIDGE

COSTELLO SADDLER
JOHNSON Bynum
Columbe Tomaszewski
MCCOY Allison

1 Page 1, line 1, following "education;": (title amendment)

2 Insert "relating to the justification of use of force in schools; relating to teachers;
3 relating to school disciplinary action; relating to civil and criminal actions for enforcing
4 the school disciplinary and safety program; relating to the base student allocation;"

Schwanke

6 Page 1, following line 12:

7 Insert new bill sections to read:

8 "* Sec. 2. AS 11.81.430(a) is amended to read:

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

11 (1) When and to the extent reasonably necessary and appropriate to
12 promote the welfare of the child or incompetent person, a parent, guardian, or other
13 person entrusted with the care and supervision of a child under 18 years of age or an
14 incompetent person may use reasonable and appropriate nondeadly force on that child
15 or incompetent person.

16 (2) When and to the extent reasonably necessary and appropriate to
17 maintain order and when the use of force is consistent with the welfare of the students,
18 a teacher, teacher's assistant, principal, or other person responsible for students
19 may, if authorized by school regulations and the principal of the school, use
20 reasonable and appropriate nondeadly force on a student. If authorized by school
21 regulations and the principal of the school, a teacher, teacher's assistant, principal,
22 or other person responsible for students may use nondeadly force under this
23 paragraph in any situation in which the teacher, teacher's assistant, principal, or

1 other person is responsible for the supervision of students. A teacher, teacher's
 2 assistant, principal, or other person responsible for students employed by a school
 3 board, including a regional educational attendance area school board, may use
 4 nondeadly force under this paragraph only if the school regulations authorizing the use
 5 of force have been adopted by the school board.

6 (3) When and to the extent reasonably necessary and appropriate to
 7 maintain order, a person responsible for the maintenance of order in a common carrier
 8 of passengers, or a person acting under that person's direction, may use reasonable and
 9 appropriate nondeadly force.

10 (4) When and to the extent reasonably necessary to prevent a suicide, a
 11 person who reasonably believes that another is imminently about to commit suicide
 12 may use reasonable and appropriate nondeadly force on that person.

13 (5) A licensed physician, licensed mobile intensive care paramedic, or
 14 registered or advanced practice registered nurse; or a person acting under the direction
 15 of a licensed physician, licensed mobile intensive care paramedic, or registered or
 16 advanced practice registered nurse; or any person who renders emergency care at the
 17 scene of an emergency, may use reasonable and appropriate nondeadly force for the
 18 purpose of administering a recognized and lawful form of treatment that is reasonably
 19 adapted to promoting the physical or mental health of the patient if

20 (A) the treatment is administered with the consent of the patient
 21 or, if the patient is a child under 18 years of age or an incompetent person, with
 22 the consent of the parent, guardian, or other person entrusted with care and
 23 supervision of the child or incompetent person; or

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

28 * Sec. 3. AS 14.03 is amended by adding a new section to read:

29 **Sec. 14.03.018. Rights of teachers.** (a) To provide an orderly and safe learning
 30 environment for students, a teacher may

31 (1) establish and enforce classroom rules, including recommending or

1 imposing consequences for an infraction of those rules, in accordance with policies
2 adopted under AS 14.33.110 - 14.33.140;

3 (2) remove a student from a classroom in accordance with standards
4 adopted under AS 14.33.120(a)(2);

5 (3) direct a student whose actions are violent, abusive, uncontrollable,
6 or disruptive to appropriate school personnel;

7 (4) assist in enforcing school rules while on school property, while
8 using school-sponsored transportation, or while at a school-sponsored activity;

9 (5) use reasonable force to maintain classroom safety and discipline in
10 accordance with standards adopted under AS 14.33.120(a)(4); and

11 (6) direct classroom instruction.

12 (b) A school administrator shall, upon the request of a teacher,

13 (1) provide the teacher with information relating to the disposition of a
14 referral the teacher has made to the school administrator regarding a violation of
15 classroom or school rules;

16 (2) provide immediate assistance in classroom management during an
17 emergency or when a student becomes violent, abusive, uncontrollable, or disruptive;
18 and

19 (3) provide training and other assistance to help the teacher improve
20 the teacher's skills in the classroom.

21 (c) If, after a teacher recommends or imposes a consequence under (a)(1) of
22 this section, a school administrator determines that

23 (1) a student's behavior warrants the consequence

24 (A) recommended by the teacher, the school administrator shall
25 impose the consequence;

26 (B) imposed by the teacher, the school administrator shall
27 respect the professional judgment and discretion of the teacher regarding the
28 consequence imposed by the teacher;

29 (2) a student's overall behavioral history warrants a more serious
30 disciplinary action than the consequence recommended or imposed by the teacher, the
31 school administrator may impose a more serious disciplinary action in accordance

1 with policies adopted under AS 14.33.110 - 14.33.140; the school administrator shall
 2 consult with the teacher before taking the disciplinary action and provide to the
 3 teacher in writing the reasons for the school administrator's determination;

4 (3) a student has not violated classroom or school rules, the school
 5 administrator or teacher may not impose a disciplinary action and shall retract a
 6 consequence imposed.

7 (d) If a school administrator directs a teacher to violate a provision of this
 8 section, the teacher may file a complaint with the commissioner. After a hearing
 9 conducted by the office of administrative hearings (AS 44.64.010) and a finding by the
 10 commissioner that the school administrator directed the teacher to violate a provision
 11 of this section, the state may withhold funds from the school in accordance with
 12 AS 14.07.070."

13
 14 Renumber the following bill sections accordingly.

15
 16 Page 2, line 8:

17 Delete "sec. 2"

18 Insert "sec. 4"

19
 20 Page 7, line 13:

21 Delete "sec. 14"

22 Insert "sec. 16"

23
 24 Page 7, following line 22:

25 Insert a new bill section to read:

26 **** Sec. 18.** AS 14.33.140 is amended by adding a new subsection to read:

27 (b) A teacher, teacher's assistant, principal, or other person responsible for
 28 students may receive a reimbursement of reasonable expenses for legal services from
 29 the school district of the teacher, teacher's assistant, principal, or other person
 30 responsible for students if the teacher, teacher's assistant, principal, or other person
 31 responsible for students is charged with a civil or criminal action

1 (1) relating to enforcement of an approved school disciplinary and
2 safety program adopted under AS 14.33.120; and

3 (2) arising out of and in the course of employment unless the act or
4 omission constitutes gross negligence or reckless or intentional misconduct."
5

6 Renumber the following bill sections accordingly.
7

8 Page 10, line 3:

9 Delete "Sections 5 - 9"

10 Insert "(a) Sections 2, 3, 7 - 11, and 18"
11

12 Page 10, line 4:

13 Delete "secs. 5 - 9"

14 Insert "secs. 2, 3, 7 - 11, and 18"
15

16 Page 10, following line 4:

17 Insert a new subsection to read:

18 "(b) Sections 2, 3, and 18 of this Act apply to conduct occurring on or after the
19 effective date of secs. 2, 3, and 18 of this Act."
20

21 Page 10, line 5:

22 Delete "Sections 3 and 17"

23 Insert "Sections 5 and 20"
24

25 Page 10, line 6:

26 Delete "Section 12"

27 Insert "Section 14"
28

29 Page 10, line 8:

30 Delete "Section 15"

31 Insert "Section 17"

1

2 Page 10, line 9:

3 Delete "secs. 21 - 23"

4 Insert "secs. 24 - 26"