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SB 437

SB 437 was amended slightly by the Senate Judiciary Committee to give the intent of the proposed legislation a legitimate governmental purpose when weighed against a student's constitutional right to privacy. The amendment was also intended to tighten up the language so that the bill could not be construed as an authorization to search lockers for any reason whatsoever, so long as a two week notice had been furnished. To accomplish this, the original wording from page 2, line 21 & 22 which was taken out, was put back; "to determine compliance with school regulations, school district regulations, and local, state, and federal laws".

The second amendment changes slightly the language adopted in a previous amendment. Sections 3 and 4 of the adopted CS contains the language, "... (c) nothing in this section, "affects" the ability of a peace officer, ..."etc. The wording "affects the ability" is changed to, "limits the ability".

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. S.B. 437

Revision Date: \_\_\_\_\_ Department Affected: Department of Corrections  
 Title: "An Act concerning keeping of BRU: Statewide Operations  
firearms in...schools." Component: Various  
 Sponsor: Senator Collins  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Diane Schenker, Legislative Liaison Phone: 465-3376  
 Division: Office of the Commissioner Date: 02/28/92  
 Approved by Commissioner: Lloyd Hames, Commissioner  
 Agency: Department of Corrections Date: 02/28/92

## CONTINUATION OF FISCAL ANALYSIS

BILL: SB 437 "An Act concerning keeping of firearms in certain lockers, and other containers in preschools, elementary, junior high, and secondary schools, and postsecondary educational institutions, and the right of schools, school districts, and postsecondary educational institutions to search and examine certain lockers and other containers."

The bill would expand the crime of Misconduct Involving Weapons in the Third Degree to include keeping a firearm on school grounds, including in lockers. The bill adds postsecondary schools to the list of schools at which possessing or keeping a firearm would be prohibited. The bill grants school administrators the authority to search lockers.

In a one day "snapshot" profile of offenders on December 31, 1991, there were no offenders under the Department's supervision on probation for MIW III unless this offense was included as an additional charge with a more serious offense. There was one inmate incarcerated whose most serious offense was MIW III.

By expanding search authority and by extending prohibition of weapons to postsecondary institutions, it is possible the bill would result in additional cases of MIW III. However, it is assumed that the majority of locker searches would involve minors not subject to the jurisdiction of the Department. Even a 100% increase in adult cases of MIW III resulting in incarceration would only mean two offenders incarcerated instead of one. Therefore, the Department does not expect significant fiscal impact from this proposed change in law.

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 437

Revision Date: \_\_\_\_\_

Department Affected: Education

Title: An act concerning fire arms in schools and school rights to search

BRU: Educational Program Support

Component: Special Projects

Sponsor: Sen. Collins

Requestor: (S) Judiciary

COMPONENT SERIAL NO. 

	1	7	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

This zero fiscal note assumes the Department of Education will have no responsibilities related to enactment of this legislation.

Prepared by: Mike Maher

Phone: 465-2800

Division: Commissioner's Office

Date: 3-3-92

Approved by Commissioner: \_\_\_\_\_

Jerry Covey

Agency: Education

Date: 3-3-92

**FISCAL NOTE**

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**BILL NO.** CSSB 437 (JUD)

Revision Date: \_\_\_\_\_ Department Affected: Education  
 Title: An Act concerning keeping of BRU: Postsecondary Education Commission  
firearms in certain lockers and other  
containers Component: Program Administration  
 Sponsor: Senator Collins  
 Requestor: Judiciary COMPONENT SERIAL NO. 

0	2	1	2
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**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>						
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<del>REVENUE</del> LOANS BUDGET						
<b>FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \$-0-

**ANALYSIS: (Attach a separate page if necessary.)**

This new statutory requirement would be added to a preexisting packet of information which is periodically supplied to all postsecondary institutions in the state. No new costs would be added.

Prepared By: Allan Barnes, Executive Director Phone: 465-2165

Division: Alaska Commission on Postsecondary Education Date: April 2, 1992

Approved by Commissioner: \_\_\_\_\_

Agency: \_\_\_\_\_ Date: \_\_\_\_\_

# Alaska State Legislature

During Session  
State Capitol  
Juneau, Alaska 99801-1132  
(907) 465-2828

During Interim  
3111 C Street, Suite 540  
Anchorage, Alaska 99503  
(907) 561-2040

## Senator Virginia Collins

SB 437

### SPONSOR STATEMENT

SB 437 amends the statutes pertaining to weapons on school grounds. The bill changes the weapon's misconduct statutes to include Alaska's postsecondary institutions. In addition the definition of school "grounds" is amended to clearly state that school lockers or other containers provided by the institution are included in the term "grounds". The bill also provides for notice and search of school lockers or other provided school containers.

The policy question is, whether this type of legislation is necessary? The answer is yes. Times have changed. Violence is everywhere in American society. Our schools are becoming unsafe. Students, parents and teachers need the assurance that schools will not be allowed to become armed camps.

Most of us can remember the class bullies. They would corner other students and beat them up for all kinds of reasons. There have always been bullies but now, bullies have armed themselves with guns and knives.

Our responsibility as lawmakers is to establish public policy. We need to anticipate problems and offer solutions to those problems before they become overwhelming burdens. Our highest priority should be safe schools that allow students the opportunity to learn and provide teachers an environment in which to teach.

Questions have surfaced as to whether or not a search of a student's locker compromises their civil rights. There is an overwhelming public safety issue involved in the goal of safe schools. Weapon-free schools overshadow any privacy claim. We need to view this subject in the same context as driving while intoxicated. As long as students are on notice that weapons are prohibited and lockers will be searched, the likelihood of students bringing weapons to schools may be eliminated.

SB 437 is a good bill and I would welcome your support.

Sponsor Statement

To: Committee Members

From: Sen Collins

I have had legal prepare two committee substitutes for the committee.

Committee Substitute No. 1:

Changes the CS passed by the committee

- a. It adds back the language that Gail Horeski wanted deleted. The original bill had the language in both section 3 and section 4, "...to determine compliance with school regulations, school district regulations, and local, state, and federal laws." The CS as amended by Adams deleted the above language. The committee substitute that I had prepared addresses Mr. Casey's concerns as stated in his advisory memo dated March 5, 1992. CS 7-LS2039\M dated 3/11/92 puts the language back in the bill with a minor change. The language would now read, "...to encourage compliance with school regulations...etc.

Both Margot Knuth of Dept of Law and Bob Casey of LAA Legal think the compromise language takes care of Gail Horeski's concern. Ms. Horeski does not think it does.

- b. Secondly, it changes slightly the language adopted by the Adams amendment. The sections 3 and section 4 of the adopted CS contains the language, "... (c) Nothing in this section, 'affects' the ability of a peace officer,..." etc. The wording "affects the ability" is changed to, "limits the ability".

All three attorneys think this new language is okay.

- c. The deletion of the words "or keeps" in section 1 in the CS that was adopted is still deleted.

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

### MEMORANDUM

March 5, 1992

**SUBJECT:** Changes to SB 437 ( )

**TO:** Senator Virginia M. Collins  
Attention: Shirley Armstrong

**FROM:** Robert Glennon Casey *RG C 3-5-92*  
Legislative Counsel

### I. SUMMARY

The changes to SB 437 ordered in yesterday's meeting of the Senate Judiciary Committee could prevent achievement of SB 437's purpose. There are two problems.

### II. DISCUSSION

The first problem would be the effect of adding the following subsection at page 2, following line 26:

(c) Nothing in this section ~~affects~~ 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.

*Change word to limits*

Virtually the same subsection - equally troublesome - is to be added at page 3, following line 5.

If "nothing in this section [would] affect the ability . . . to search a locker," then the bill as a whole would not enlarge the power of authorities to search lockers for guns. That would conflict with the intent of the bill, which is to enhance the power of authorities to search lockers for guns.

It is likely that the proponent of this change intended something else. Perhaps she meant something such as the following:

Senator Virginia Collins

March 5, 1992

Page 2

(c) This section does not ~~diminish~~ the authority otherwise provided by law of a peace officer, chief administrative officer, or other appropriate person to search a locker or other container provided in a public or private school by the school district.

*try some  
language  
except*

A second problem could arise from deletion of the phrase "to determine compliance with school regulations, school district regulations, and local, state, and federal laws" at page 2, lines 21 and 22 and page 2, line 31 - page 3, line 1. Without this phrase, the bill could be construed as an authorization to search lockers for any reason whatsoever, so long as the two week notice had been furnished.

Such a broad statutory authorization would expose the legislation to constitutional challenges. The legislation could be attacked as overbroad and authorizing arbitrary and capricious searches. If the new AS 14.03.105 and AS 14.48.205 added by this bill were ruled unconstitutional, then replacement legislation might be needed before the intent of SB 437 could be achieved.

It is my opinion that this legislation could more easily be defended from constitutional challenges, if the statutory power to search school lockers were statutorily linked to some legitimate school purpose such as conforming the use of school property to regulations and laws.

It is arguable that the legitimate school purpose would be implicit in the bill. Unfortunately, it is also arguable - especially in a context involving fundamental constitutional rights - that a legitimate purpose for conducting searches is not part of a law unless the law expressly so provides.

Perhaps the proponent of this change was only concerned with the word "determine." I recall from her testimony that she did not believe that school authorities were empowered to "determine" whether laws were violated. If that were the intent, then perhaps the word "determine" could have been replaced with some term such as "investigate."

### III. CONCLUSION

The changes discussed above would change this bill from one expanding the authority to search lockers, to one merely preserving the level of existing authority. Even worse, they could cause the entire scheme of facilitating locker searches to be thrown out as unconstitutional.

RGC:pl  
92-160.plm

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

### MEMORANDUM

March 2, 1992

**SUBJECT:** Sectional Analysis of SB 437 ( )

**TO:** Senator Virginia Collins  
Attention: Shirley Armstrong

**FROM:** Robert Glennon Casey *RGC 3-2-92*  
Legislative Counsel

You have requested a sectional analysis of the above-described bill. The following is an explanation of the contemplated effect of various provisions, but this is not to be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 amends an existing statute, AS 11.61.220 ("misconduct involving weapons in the third degree"). Although existing subsection (a)(4) of that statute already criminalizes "knowing possession" of a firearm "within the grounds" of certain educational institutions, it does not specifically address storage of guns in lockers.

So, section 1 of this bill adds the phrase "or keeps" to ensure that possession of a gun on one's person at school was not the only way to break the law. A student who kept a handgun in a locker would also break the law.

Section 1 works another change. The existing law does not reach possession or storage of guns at institutions beyond the high school level. Section 1 therefore adds "postsecondary educational institutions[s]" to the list of places where it would be unlawful to possess or keep a firearm.

Section 2 adds a definitional subsection to the statute described above. "Grounds" are defined to include lockers and other containers provided in the school by the school, school district, or postsecondary educational institution.

This section is designed to thwart a defendant's argument that keeping a gun in a student's locker could not possibly violate the law, since the locker was a private place not to be understood as falling within the meaning of "school grounds." Such an argument would probably fail in court anyway, but this section would help to

Senator Virginia Collins  
March 2, 1992  
Page 2

ensure the argument's failure. It would also anticipate certain constitutional challenges based on a defendant's expectation of privacy, discussed below in this sectional analysis.

Section 3 is an enforcement section. It adds a new section to AS 14.03 ("Public Schools Generally"). Under subsection (a), educational institutions would be permitted under certain circumstances to conduct and authorize searches of lockers and other containers on school grounds.

Educational institutions arguably already possess some right to conduct such searches, but the boundaries of that right are unclear, variable, and subject to constant constitutional challenges based on the argument that students have a "legitimate expectation of privacy" in their lockers. A school might believe that it needed a separate legal clearance for every locker that it searched.

This section would announce that educational institutions could generally conduct or authorize the searches, so long as students were warned ahead of time not to expect that their lockers were private. Subsection (b) clarifies that advance warning must consist of the posting of notices throughout the school for at least two weeks before the searches occur. Schools wishing to conduct a policy of continual searches could simply keep the notices permanently posted.

The purpose of such searches would not be confined to detection of guns. Instead, the purpose would be generally "to determine compliance with the institution's regulations and local, state, and federal laws." Thus a school might also search for miscellaneous illegal explosives, fire hazards, and health hazards, along with searching for illegal firearms.

Despite the chapter title of "Public Schools Generally," this section's wording covers private as well as public schools.

Section 4 repeats the search and warning rule provided in Section 3, this time making it applicable to public and private postsecondary institutions.

RGC:pl  
92-149.plm

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR COLLINS

TO: SB 437

Page 2, line 1:

Delete "or keeps"*already adopted*

Page 2, line 21:

Delete "determine"

Insert "encourage"

Page 2, following line 26:

Insert a new subsection to read:

"(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."

Page 3, line 31:

Delete "determine"

Insert "encourage"

Page 3, following line 9:

Insert a new subsection to read:

"(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 at a public or private postsecondary educational institution by the institution."

7-LS2039M

Casey

3/11/92

CS FOR SENATE BILL NO. 437 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR COLLINS

## A BILL

## FOR AN ACT ENTITLED

1 "An Act concerning keeping of firearms in certain lockers and other containers in  
2 preschools, elementary, junior high, and secondary schools, and postsecondary educational  
3 institutions, and the right of schools, school districts, and postsecondary educational  
4 institutions to search and examine certain lockers and other containers."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 \* Section 1. AS 11.61.220(a) is amended to read:

7 (a) A person commits the crime of misconduct involving weapons in the third degree if  
8 the person

9 (1) knowingly possesses a deadly weapon, other than an ordinary pocket knife or  
10 a defensive weapon, that is concealed on the person;

11 (2) knowingly possesses a loaded firearm on the person in any place where  
12 intoxicating liquor is sold for consumption on the premises;

13 (3) being an unemancipated minor under 16 years of age, possesses a firearm  
14 without the consent of a parent or guardian of the minor;

1 (4) knowingly possesses a firearm

2 (A) within the grounds of or on a parking lot immediately adjacent to a  
3 public or private preschool, elementary, junior high, or secondary school, or  
4 postsecondary educational institution, without the permission of the chief administrative  
5 officer of the school [OR] district, or postsecondary educational institution, or the  
6 designee of the chief administrative officer, except that a person 21 years of age or older  
7 may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed  
8 container in a motor vehicle; or

9 (B) within the grounds of or on a parking lot immediately adjacent to a  
10 center, other than a private residence, licensed under AS 47.35.010 - 47.35.075 or  
11 recognized by the federal government for the care of children; or

12 (5) possesses or transports a switchblade or a gravity knife.

13 \* Sec. 2. AS 11.61.220 is amended by adding a new subsection to read:

14 (h) In (a)(4) of this section, "grounds" includes lockers and other containers provided in  
15 a preschool, a school, or postsecondary educational institution by the preschool, school, school  
16 district, or postsecondary educational institution.

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

18 Sec. 14.03.105. SCHOOL LOCKERS. (a) Subject to (b) of this section, a locker or  
19 other container provided in a public or private school by the school or the school district may  
20 be searched and examined with the permission of the chief administrative officer of the school  
21 or the school district or the designee of the chief administrative officer to encourage compliance  
22 with school regulations, school district regulations, and local, state, and federal laws.

23 (b) Notices in letters at least two inches high stating the right and the intention of school  
24 and school district officers to permit searches and examinations under (a) of this section shall be  
25 posted in prominent locations throughout a school for two weeks before a search or examination  
26 is conducted. Notices under this subsection may be continuously posted.

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

30 \* Sec. 4. AS 14.48 is amended by adding a new section to read:

31 Sec. 14.48.205. SEARCH OF LOCKERS AND CONTAINERS. (a) Subject to (b) of

1 this section, a locker or other container provided at a public or private postsecondary educational  
2 institution by the institution may be searched and examined with the permission of the chief  
3 administrative officer of the institution to encourage compliance with the institution's regulations  
4 and local, state, and federal laws.

5 (b) Notices in letters at least two inches high stating the right and the intention of a  
6 postsecondary educational institution to permit searches and examinations under (a) of this  
7 section shall be posted in prominent locations throughout the institution for two weeks before a  
8 search or examination is conducted. Notices under this subsection may be continuously posted.

9 (c) Nothing in this section limits the ability of a peace officer, chief administrative  
10 officer, or other appropriate person, acting in compliance with local, state, or federal laws, to  
11 search a locker or other container provided at a public or private postsecondary educational  
12 institution by the institution.

CS FOR SENATE BILL NO. 437 (JUDICIARY)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR COLLINS

A BILL

FOR AN ACT ENTITLED

1 "An Act concerning keeping of firearms in certain lockers and other containers in  
2 preschools, elementary, junior high, and secondary schools, and postsecondary educational  
3 institutions, and the right of schools, school districts, and postsecondary educational  
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9 (1) knowingly possesses a deadly weapon, other than an ordinary pocket knife or  
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11 (2) knowingly possesses a loaded firearm on the person in any place where  
12 intoxicating liquor is sold for consumption on the premises;

13 (3) being an unemancipated minor under 16 years of age, possesses a firearm  
14 without the consent of a parent or guardian of the minor;

1 (4) knowingly possesses a firearm

2 (A) within the grounds of or on a parking lot immediately adjacent to a  
3 public or private preschool, elementary, junior high, or secondary school, or  
4 postsecondary educational institution, without the permission of the chief administrative  
5 officer of the school [OR] district, or postsecondary educational institution, or the  
6 designee of the chief administrative officer, except that a person 21 years of age or older  
7 may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed  
8 container in a motor vehicle; or

9 (B) within the grounds of or on a parking lot immediately adjacent to a  
10 center, other than a private residence, licensed under AS 47.35.010 - 47.35.075 or  
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20 be searched and examined with the permission of the chief administrative officer of the school  
21 or the school district or the designee of the chief administrative officer, to investigate compliance  
22 with school regulations, school district regulations, and local, state, and federal laws.

23 (b) Notices in letters at least two inches high stating the right and the intention of school  
24 and school district officers to permit searches and examinations under (a) of this section shall be  
25 posted in prominent locations throughout a school for two weeks before a search or examination  
26 is conducted. Notices under this subsection may be continuously posted.

27 (c) This section does not diminish the authority otherwise provided by law of a peace  
28 officer, chief administrative officer, or other appropriate person to search a locker or other  
29 container provided in a public or private school by the school district.

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3 administrative officer of the institution, to investigate compliance with the institution's regulations  
4 and local, state, and federal laws.

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10 officer, chief administrative officer, or other appropriate person to search a locker or other  
11 container provided at a public or private postsecondary educational institution by the institution.

# STATE OF ALASKA

## DEPARTMENT OF LAW

### CRIMINAL DIVISION

March 10, 1992

WALTER J. HICKEL, GOVERNOR

REPLY TO

CRIMINAL DIVISION CENTRAL OFFICE  
P.O. BOX KC  
JUNEAU, ALASKA 99811-0310  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE 318  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

Senator Virginia Collins  
Alaska State Senate  
P.O. Box V  
Juneau, Alaska 99811

Re: SB 437, An Act relating to firearms in lockers

Dear Senator Collins:

I have had the opportunity to review the memorandum of March 5, 1992, written to you by Robert Casey, Legislative Counsel, addressing the changes to SB 437 that were proposed at the Senate Judiciary Committee hearing of March 4, 1992. I understand the first concern raised in Mr. Casey's memorandum and I believe that it can be addressed by changing the word "affects" to "limits" in the first line of the proposed amendment. This would clarify the author's intent, while minimizing the changes in the proposed language.

mk I concur with Mr. Casey on his second point and believe that it would be dangerous to remove from the proposed statute the language "to determine compliance with school regulations . . . ." This language clarifies that the purpose for which locker searches are being authorized is to find and dispose of illegal weapons (and drugs) and not simply to (unconstitutionally) invade the privacy of students. I do<sup>not</sup> believe that any changes in the original wording are warranted or appropriate.

If I may be of other assistance to you in this or any other matter, please do not hesitate to contact me.

Very truly yours,

CHARLES E. COLE  
ATTORNEY GENERAL

By: Margot O. Knuth  
Margot O. Knuth  
Assistant Attorney General

cc: Paul Fuhs, Governor's Office  
Deborah Behr, AGO

ANCHORAGE SCHOOL DISTRICT  
ANCHORAGE, ALASKA

MEMORANDUM

May 7, 1991

TO: TOM O'ROURKE, SUPERINTENDENT  
FROM: *Bob Christal*  
BOB CHRISTAL, ASSISTANT SUPERINTENDENT OF  
INSTRUCTION

SUBJECT: Survey Results - Gun Incident Report

Attached is the summary report of the survey we conducted in April regarding incidents of possession of guns on school grounds.

At the elementary level three schools reported having dealt with guns this school year. In all cases parents were contacted, the police department was contacted in two cases. The police department was not contacted in the case where the student brought a musket for Show and Tell.

The secondary schools reported twelve (12) cases. The police were contacted in all but one of the cases. The one where the police were not contacted involved a toy gun. Disciplinary action was taken in each case and involved the parents. The District has taken action to prohibit the possession of guns on school grounds. The Anchorage School District and the Municipality of Anchorage worked together last fall to develop the local ordinance, passed by the Assembly, to prohibit the possession of guns on school grounds.

Currently the secondary schools are involving parents and staff in a review of existing policies and procedures on the issues of weapons. A set of recommendations is due by the end of May for administration and School Board action.

S2.75

Attachment

cc Carol Comeau  
Bill Mell  
School Principals

ANCHORAGE SCHOOL DISTRICT  
INSTRUCTIONAL DIVISION  
GUN INCIDENT REPORT  
April 29, 1991

The Instructional Division conducted a survey of the elementary and secondary schools the week of April 15, 1991 to determine the number of incidents of guns being brought onto the school grounds.

Following is a compilation of the survey results. If a school is not listed by name that indicates there were no reported incidents of guns at that school. We have provided detailed information of schools where a gun was reported. The names of the students have been deleted for confidentiality reasons.

In every case when the school was informed the incident was dealt with immediately and disciplinary action was taken. The issue is one that warrants continued vigilance and positive action as has been the past practice in the District.

Elementary Schools - 55 schools reporting

Fifty-two (52) elementary schools reported no incidents of guns on school grounds. Three elementary schools did report a gun having been on the school grounds and following are the details on a school by school basis.

**BAYSHORE:**

Incident: Musket in backpack for sharing time. (Show N Tell)

Action Taken: Principal and parent dealt with the incident at the building level.

Police Contacted: Police were not contacted.

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**MULDOON:**

Incident: Special Education student brought non-functioning hand gun to school.

Action Taken: Police and parent contacted. Conference held. Student suspended for one day out-of-school suspension.

Police Contacted: Police were contacted.

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**RUSSIAN JACK:**

Incident: Child brought a pellet gun to school in his back pack.

Action Taken: Gun confiscated. All three students that played with gun were suspended for one day for their part with the gun. Parents worked closely and concurred with suspension.

Police Contacted: Police were contacted.

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- ① This year we had a 10th grader at Mt View Elementary bring a loaded gun to school. Suspended for 45 days.
- ② 2nd grader Dennis loaded semi automatic pistol lost Monday 2/24/92
- ③ 2 months ago West High School Stabbing.

### Secondary schools/programs 20 reporting

Twelve (12) secondary schools reported no incidents of guns on school grounds. Eight secondary schools did report incidents of a gun on school grounds and following are the details on a school by school basis.

#### **BARTLETT: (1 incident)**

Incident: A gun was seen by other students who reported it to classroom teacher.

Action Taken: Security was notified and asked student for the weapon outside the classroom. Gun surrendered to Security without resistance. Student and weapon brought to office. Student expelled by Board Action 11/13/90.

Police Contacted: Police were contacted. Student was arrested and detained.

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#### **CLARK: (2 incidents)**

Incident: (1) An administrator and teacher received information that a student had a gun in school. No gun was found but the student admitted to bringing a so-called plastic gun to school and made statements to the students while pointing it at them such as "Don't worry, it's not loaded". As a result of the investigation, it is believed that the gun involved was a real gun. (2) Window on employee's vehicle had been shot out with a BB gun while parked on school parking lot. An ex-student did the shooting, was not in school

Action Taken: (1) Security was notified and asked student for the weapon outside the classroom. (2) Police contacted/charges filed, weapon seized on school grounds, pending action by youth authorities.

Police Contacted: (1) Police were contacted. Student was arrested and detained. (2) Police were contacted, charges were filed for possession of weapon on school campus.

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#### **DIMOND: (2 incidents)**

Incident: (1) An estranged father appeared on the student parking lot after school and noticed his daughter sitting in a student car. Earlier that day the father had requested assistance from the school in gaining custody of his daughter, who he considered a runaway. When a band of students surrounded the girl to prevent his taking custody, the father (apparently frightened) pointed a hand gun toward/above the students. (2) On November 28, 1990, a tip received by the Federal Bureau of Alcohol, Firearms and Tobacco was telephoned to Principal. The Dimond security person and the Assistant Principal, interviewed the suspect, received a full confession, and took custody of a large caliber hand gun which was reported by the student to be in his car.

Action Taken: (1) No action taken against the students. Counseling if requested. (2) Suspended pending recommendation to expel. Expulsion recommended. School Board suspended for first semester.

Police Contacted: (1) Police were contacted. Police took custody of the father until students were gone. (2) Immediately arrested by police for possession of weapon on school grounds.

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**GRUENING: (1 incident)**

Incident: On March 1, a student brought a plastic toy gun which shoots small plastic discs. He was shooting this gun in the lunchroom.

Action Taken: Suspension for 3 days, conference with parents.

Police Contacted: Police were not contacted. Gun was a toy but fit under the School District's definition of a weapon.

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**SERVICE: (1 incident)**

Incident: Gun under seat in truck in school parking lot - found during search for Drugs/Alcohol. Student gave permission for search on 3/26/91.

Action Taken: Suspension for 3 days. Transporting gun to Dad's house with parent permission.

Police Contacted: Police were contacted. Gun was taken to family.

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**STELLER: (1 incident)**

Incident: The student brought an unloaded handgun to school in his backpack. He showed it to other students, one of whom reported it to a teacher who then reported to the principal.

Action Taken: Student was given a 9-day suspension. Recommendation for long-term suspension was made. Hearing to be scheduled.

Police Contacted: Police were contacted.

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**WENDLER: (1 incident)**

Incident: A student reported that another student had a "stun gun" at school. The student was questioned and admitted possession. Student willingly produced the weapon.

Action Taken: Student was given a 9-day suspension.

Police Contacted: Police were contacted.

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**WEST: (3 incidents)**

Incident: (1) A student was wearing a loaded 9mm hand gun in a shoulder under sweater. Other students reported incident to school administrators. (2) Students reported to school administrators that another student was in possession of a gun. (3) The third incident of a firearm on West High School grounds was in December. In December it was reported by

Action Taken: (1) Student was suspended under emergency suspension rules with recommendation for expulsion presented to School Board. The School Board expelled the student. (2) Student was suspended under emergency suspension rules with recommendation for expulsion presented to School Board. The School Board expelled the student. (3) The student was suspended for 9 days for having the unloaded weapon in his vehicle. Another student who had accompanied the first student at lunch was suspended for 5 days. Both students served the suspensions and there were no appeals.

Police Contacted: (1) Police were contacted. Citizen arrest made. (2) Police were contacted. Citizen arrest made. (3) Police were contacted, confiscated the weapon but made no arrests.

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Fairbanks North Star Borough School District

ADDRESS TO THE FAIRBANKS CHAMBER OF COMMERCE

By Richard S. Cross, Superintendent of Schools


October 22, 1991

The purpose of Red Ribbon Week is to raise public awareness about problems caused by drug and alcohol abuse, and to recognize that this abuse is a wide-spread social problem which only a community-wide effort will solve. Our school district recognized the seriousness of this social issue years ago and implemented programs in the district not only to educate our children about the hazards of substance abuse but also to help those whose health and safety was endangered because of drugs and alcohol.

Some very committed people in our district took a leadership role in the campaign against substance abuse. The first was Terry Marquette, the North Pole High School principal, who has been involved with youth in our community both as a teacher and administrator for over twenty years. Terry instituted a program at North Pole High which has been duplicated at all of our secondary schools. Last spring, North Pole High was selected by the United States Department of Education to receive national recognition in the 1990-91 Drug Free Schools Program. Terry and his faculty were flown to Washington D.C. to be honored by President Bush and others for their efforts. Mike Thibodeau and Terry Solomon are two other individuals who have worked extremely hard over the past several years to ensure that every school in the district has a successful substance abuse program. Approximately 2,000 students are involved in school-sponsored drug-free clubs or activities and we have experienced a significant reduction in the number of students suspended due to drug and alcohol problems.

I believe this demonstrates that our school district is able to take a serious social issue and develop educationally sound, nationally recognized strategies to help students. However, most young people who drink or do drugs do so after school and on weekends. Red Ribbon Week is ~~to~~ <sup>to</sup> remind us that substance abuse is a community-wide problem, not just a school problem. Schools alone cannot and will not "solve" the drug and alcohol problem.

We will continue our efforts in the area of substance abuse prevention but this is not the only problem we must face as a community. I am here today to talk about another social issue of grave concern—the escalation of violence in our schools and community.

 I became aware of changes in people's perceptions about school safety late last spring. Jerry Hartsock, our assistant superintendent for secondary education, was one of the first to bring this problem to my attention. Jerry has been involved in the community over ten years, primarily working in the district's alternative education programs. He is not one to overreact just because a few kids start talking tough, boys start wearing earrings or dye their hair pink. When Jerry came to me and told me he was concerned because a number of incidents indicated that our students didn't feel safe in school, I took him very seriously. We brought outside experts from the National School

Safety Center to advise us and we formed a community-wide safety task force consisting of law enforcement agencies, social service agencies, school leaders and concerned community members to develop way of addressing school safety.

Jerry wasn't the only one to come to me with well-founded concerns. Recently, we have had, either in our schools or in our community, a series of occurrences that are unrelated, but whose sum total paints an alarming picture. It used to be that whenever something terrible happened in Fairbanks or nearby, such as the gruesome murders at Manley several years ago, the general perception was that it was an isolated act of random violence. No one felt the need to change their lifestyle or to question their basic assumptions about the quality of their life as a result.

Now, the violence is no longer random and isolated. It is reoccurring, it is accelerating and people's attitudes are changing as result. The violence in our community no longer has as its victims drug dealers, criminals or other unsavory characters. The violence we are experiencing is perpetrated against children, against families and against innocent bystanders. People are becoming fearful, and I believe with good reason. Let me give you some examples.

In the school district, we are seeing numerous instances of violent fights--on athletic fields, (in our schools) at events after games, and outside of dances. Not adolescent pushing and shoving contests, but fights which involve a level of violence that is shocking, fights which result in bodily injury and which involve weapons. The fighting and the potential for violence at football games and other athletic events has caused us to ask referees to blow quick whistles, to penalize any violation of rules and to treat fighting on the field the same as fighting off the field. In some instances, we have rescheduled sporting events to the daytime because principals are not sure they can control the crowd after dark.

We are closing school dances to all non-school people, even to students from other schools who would like to attend as someone's guest. We have had to hire security guards for dances, athletic events and even for our lunch periods.

We had a homemade bomb explode in the hands of a student in a high school cafeteria. The incident was down played in the media because the bomb was "only" made of firecrackers. It was made of hundreds of firecrackers and had they gone off all at once, as was intended, we would have had a serious injury or even a death.

We have had to remove students from school for possessing weapons--not only knives, not only guns, but loaded automatic weapons. We have had several serious attacks on teachers. Last week, a student being chased by police out of one of our schools threatened to "blow away" a teacher who was blocking the doorway. The police were chasing the student because he was suspected of stealing guns.

I have reviewed a number of essays written as part of a language arts class in one of our high schools that clearly lead me to believe that for a variety of reasons, students don't feel safe in their neighborhoods, they don't feel safe on their way to school, and they don't feel safe once they are in school. The essays were written after a student was suspended for carrying a gun to school. One young person wrote:

"I don't blame him for bringing a gun to school. I did it last year. I brought a loaded 44 magnum to school for a week for a reason much the same.

I no longer feel the need to carry a gun or knife but I'm never without protection. It's fear, fear of many people beating me 'till I can't walk. I won't let that happen, not if I can help it. If it has to be me or them, I'll make it them."

There is behavior in our community that shows tell-tale signs of the formation of gangs. If not gangs in the formal sense, then certainly groups of young people who are behaving in organized ways to intimidate and harass both students and parents. There has been a high incidence of thefts in our community and the police tell us that jewelry and guns are being taken, they're being taken by children, and it is their belief the guns are not being turned over to fences, but are being either sold or given to other children. We have had parents tell us that they're afraid to report certain things because their children tell them that the other kids will not only harm them, but they will harass the parents and threaten their homes.

Racism is becoming overt and wide-spread. Racial incidents are occurring on playgrounds, on buses, in hallways, and in other places where young people gather with minimal supervision. Children are hearing and repeating racial slurs. Derogatory names are being painted on lockers. Students tell us that racism is the number one cause of school violence as the chain-reaction of threats, intimidation, and retaliation escalates. Young people are gathering and socializing along racial lines as never before, and these groups are becoming increasingly hostile and polarized.

We have had two incidents of children being shot by air rifles and BB pistols, one causing serious injury. A little girl was shot on the playground of one of our elementary schools by two boys who were hiding in the woods. A little boy was abducted from his yard and injured. Several weeks ago, at a weekend party, a middle school boy shot at a high school girl with a .357 magnum. He missed. No adults were present. We have had several random drive-by shootings. Three young people have been murdered--Kathy Stockholm, Johnny Jackson, and Cara Zastrow.

We used to live in a community where we were fairly confident bad things would not happen to our children. Children could walk safely to and from the school bus. High school students could go back to school in the evening to get their homework. They could drive from the shopping mall to their job at the pizza shop. Now most of us think twice before letting our children out of sight. It used to be that if you lost sight of your child in the store or around your yard, your first reaction was not alarm but rather exasperation toward the child who had wandered away. Now the automatic reaction is fear. We're afraid something terrible has happened to the child.

People are afraid. Our community is beginning to appear like an armed camp. We have had reports of neighborhood watches where adults are patrolling the community and are arming themselves. At a recent neighborhood safety meeting, 50 people were expected to attend. Four hundred showed up. At least one was armed.

I do not believe as a school community we are overreacting when we say that our schools have changed, that our community has changed, and that the situation is at a very critical point. People have asked me what I think has caused these changes to our community. It is true that very often you have to identify causes to develop solutions but what I find in this case is that people aren't looking for solutions but are trying to blame

the changes in our community on one single event or another. If we are going to identify what has caused the problem, I believe we should identify every single reason. Otherwise, what we end up with is a not a long list of causes but a short list of scapegoats. Naming scapegoats will not solve anything but will only escalate the atmosphere of fear and distrust we are trying to alleviate. I refuse to lay blame on any one factor for this problem.

I can tell you that the problems we are having are not limited to any one sector of the community. Some of the violence we are experiencing is in schools where you would least expect it and has come from the children of longstanding, respectable members of our community. The violence is simply a reality that we must face. This is Alaska, but it is also America.

Certain people in the community say the situation in other parts of America is hopeless. Therefore, the situation in Fairbanks is hopeless. They say all our school district can do is ensure student safety in our schools and that what happens outside the school is out of control and we cannot do anything about it. I refuse to accept this premise.

Not only do we have a moral responsibility to accept that this situation is not hopeless, but there are very real and tangible reasons why it isn't. Fairbanks is different from other communities. We have some very important factors working for us that other urban areas in America do not. We have a significantly higher percentage of two parent households than similar communities in the United States. We are a relatively small community and have not experienced the alienation that exists in larger communities. We know our neighbors and the people in the stores. We talk with one another. As a state, we have financial and technical resources available that other states only dream about. Finally, there is a "can-do" spirit that exists in us; we believe we can solve problems and take charge of our destiny.

Therefore, in some important ways, we are bucking the trend that causes despair and hopelessness in other urban areas. If we collectively take a caring and concerned attitude toward the conditions in our community, we should not have to accept, nor should we tolerate, an atmosphere of fear or violence or hopelessness.

My reason for coming to the community rather than tackling this problem from the perspective of the school district is one of equilibrium. We can and will guarantee that children will be safe in our schools. After all, schools are restricted environments that are fairly easy to control. They can be monitored and additional restrictions added as necessary. If, in order to ensure student safety in school, we have to place metal detectors at our doorways, place armed guards in our schools, have guards on our school buses, guards in the hallways, close our lunch periods and not allow students to leave our secondary campuses, we will do that.

However, what we will create if we have to go to those extreme measures is a disequilibrium between the child's life in school and out of school. This disparity will likely exacerbate rather than reduce the violence and fear that exists in the community at large. Students will be in schools they find so restrictive that they will react even more violently to the freedom outside. So while I make the pledge that our students will be safe in our schools no matter what we have to do, I don't say that with any degree of comfort.

Without the cooperation of the rest of the community, safety in the schools will become a hollow accomplishment because it will be achieved at the cost of even more fearful and chaotic behavior outside of schools.

Another student wrote:

"We talk about closed campus and things but there's still the weekends.

You still go to the movies and to parties. They can jump you there."

The appropriate action, it seems to me, is for the community and the schools to bring things under control together, so that an equal amount of restraint is being applied both in and out of school. To do so, we will have to change some rules. We can't accept behaviors that were accepted--or at least tolerated--in the past.

We need more adult presence wherever children are present. We must not let young people intimidate us so that we ignore inappropriate behavior. We must define and enforce clear expectations for their behavior at all times and in all situations. We cannot police what a child says or does at home but we can make it clear we will not tolerate inappropriate action or language in our presence or in public places. We must be concerned for other children, not just our own. Sue Wilken has told us that when she was a child growing up in Fairbanks, adults would stop and ask a young person on the street what they were doing out of school. Nowadays, the tendency is to ignore it.

We must communicate that violence is not an acceptable way to handle conflict and we must model the behavior we want young people to emulate. We must teach them acceptable ways to handle conflict. We need to offer young people constructive alternatives to unsupervised and unwholesome activities. We have no teen center, no public recreation center, no YMCA, no boy's club. We tell young people to make healthy choices but then we give them no real alternatives to being on the street.

This is a tall order, but we can do it. We can do it because we are not a typical urban community. We have all the ingredients here for a high quality life. The majority of us in Fairbanks have come here from somewhere else and we continue to live here at some sacrifice in terms of being separated from relatives and having to deal with isolation and cold, dark winters. Why do we stay? We stay because we believe Fairbanks has a quality of life which cannot be found outside. We stay because we believe this is a good place to raise children. We stay because we feel that we have gained more than we have given up in terms of quality of life.

I think in the last twelve months we've begun to recognize that the quality of life here is changing in a way that is alarming, and that what is required is an entire community effort to bring this concern of safety under control. The school district will do its part. But if the school district does it alone, all we can do is assure the safety of students in our schools and not in our community at large.

I am very proud of our district and I think we have good people who can be a tremendous resource to the community. Superintendents Jerry Hartsock, Betty Farni, and I have an average of 16 years committed to this community (Jerry and I admit we use Betty's heavy numbers to boost our stats!). As a comparison, James Ryan, who served longer than any of Fairbanks' twenty-five superintendents, was here for only ten years (1951-1961). Our principals have served the community for an average of 11 years and our teachers for an average of 9 years. Some of our classified staff have even more

seniority. We are Fairbanksans, this is our home--our community; we want it to be safe. But we cannot do it alone.

The reason I asked to speak to the Chamber of Commerce today is that you are all people who understand teamwork and commitment. You are actively involved in improving the quality of life in this community and you are people who can get things done. From now on, whenever someone asks the school district to do something about safety, if it makes sense and we can do it, we will. Then we are going to say to the community, "Now, what are you going to do to help make students safe outside of school?"

This community involvement is essential. From the time a child is born until they graduate from high school, they only spend 15 percent of the time they are awake in school. That means 85 percent of what influences them occurs outside of school. As a school district, we can guarantee their safety 15 percent of the time and we will work with you on the other 85 percent. But we cannot do it alone.

We all have the responsibility to make this community one in which our children can live with a feeling of relative safety and a lack of fear; to make this community one in which we as adults can live in relative safety and a lack of fear. Safety and comfort has to exist in our homes, in our schools, and in the rest of our community. To live in fear is to give up your liberty--people who live in fear are not free people. What we are experiencing in Fairbanks today is a basic loss of liberty. I, for one, am convinced we do not have to accept it. We do not have to raise and educate our children in a climate of fear and racism. Nor do we have to become vigilantes to prevent it. The problem will be solved when each of us accepts it as his or her responsibility.

I thank the Chamber for granting my request to speak to you today. I realize this subject is painful to listen to and to think about. I wouldn't have asked to come if I thought the situation couldn't be resolved. It can be resolved. I ask for your leadership and your help.

# ASD STATEMENT OF RIGHTS AND RESPONSIBILITIES

1991-92

## PREAMBLE

1. A primary responsibility of the Anchorage School District and its professional staff shall be the development of an understanding and appreciation of our representative form of government, the rights and responsibilities of the individual and the legal processes whereby necessary changes are brought about.
2. The school is a community and the rules and regulations of a school are the laws of that community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship. Among the responsibilities of school citizenship are respecting the laws of the community and the rights of other citizens and contributing to the fulfillment of educational purposes through cooperative conduct.
3. Young people in the United States have the right to receive a free public education, and deprivation of that right may occur only for just cause and in accordance with due process of law.
4. Students have the rights of citizenship as delineated in the United States Constitution and its amendments; and these rights may not be abridged, obstructed or in other ways altered except in accordance with due process of law. The First and Fourteenth Amendments to the Constitution of the United States prohibit states from unduly infringing upon the rights of speech and expression. In the school setting this restriction on state action limits the manner and extent to which schools may regulate the speech and expression of students. In order to curtail First Amendment rights, school authorities must show that the failure to do so would create a material and substantial disruption of school work and discipline.
5. Administrators and teachers also have rights and duties. The teacher is required by law to maintain a suitable environment for learning, and administrators have the responsibility for maintaining and facilitating the educational program.
6. The principal is authorized to recommend expulsion, and to suspend or discipline students for cause. The teacher has the authority to temporarily remove students from a class or discipline students for cause. The following rules, regulations and due process procedures statement are designed to protect all members of the educational community in the exercise of their rights and duties.
7. Nothing in this statement of student rights shall be held to limit the due process rights of educators or noncertificated school employees nor their use of District grievance procedures.

## Rights, Responsibilities and Limitations

Any conduct prescribed by the following statement of rights, responsibilities and limitations shall be subject to appropriate corrective action from simple discipline to expulsion:

### 1. CRIMINAL ACTS

The following acts are among those crimes defined in detail under the laws of the State of Alaska:

**AIDING AND ABETTING** — Assisting in the commission of a crime, with the result of being treated as a principal. AS 11.16.100 - 130

**ARSON** — Damaging any property by intentionally or negligently starting a fire or causing an explosion, or attempting to start a fire or cause an explosion. AS 11.46.400 - 430

**ASSAULT** — Physically injuring or threatening to physically injure another person. AS 11.41.200-230

**BURGLARY** — Entering unlawfully or remaining unlawfully with intent to commit a crime. AS 11.46.300 - 310

**EXTORTION OR BLACKMAIL** — Obtaining money, property, or actions by violence or threat of violence or untrue accusations or public ridicule. AS 11.41.520 - 530

**FORGERY** — Falsely making or altering a written instrument or knowingly possessing a forged instrument. AS 11.46.500 - 11.46.50

**LARCENY** — Theft without force or violence against another person. AS 11.46.100-210

**MALICIOUS MISCHIEF** — Willful property damage or interference with property rights. A.S. 11.46.480-486

**RECKLESS ENDANGERMENT** — Engaging in conduct which creates a substantial risk of serious physical injury to another person. A.S. 11.41.250

**ROBBERY** — Stealing from the person of another by force or threat of force. A.S. 11.41.500-510

**SALE, USE OR POSSESSION OF INTOXICATING LIQUOR OR ILLEGAL DRUGS\*** — A.S. 17.10.010, 17.12.010, 4.16.010

**TRESPASS** — Presence on another's property without permission and/or refusal to leave another's property upon request. A.S. 11.46.320-330

The commission of, or participation in, any criminal activity in school buildings, on school property, or at school-sponsored events is prohibited. Disciplinary action may be taken by the school regardless of whether or not criminal charges or prosecution result.

2. **WEAPONS AND FIREARMS:** Students on school property or attending a school-sponsored event shall not carry on their person or place anywhere on school property, or in the vicinity of a school-sponsored event, any firearms or other weapons, except as assigned to students for, and used during, a regular course of instruction. Students found with any firearms or weapons at school or at school activities are subject to expulsion and arrest.

3. **SMOKING:** Students are not permitted to smoke on school property.

4. **ATTENDANCE:** Daily attendance of all who are enrolled in the ASD schools is required in accordance with State law and School Board rules. Students will attend regularly scheduled classes unless officially excused.

5. **DISRUPTIVE CONDUCT:** Conduct which materially and substantially interferes with the educational process or the lawful activities of others is prohibited.

6. **COOPERATION WITH SCHOOL PERSONNEL:** Students must obey the lawful instructions of all school district personnel.

7. **SELF IDENTIFICATION:** All students in school buildings, on school grounds, or at school-sponsored events must, upon request, identify themselves to authorized school district personnel or their designee.

8. **OFF-CAMPUS EVENTS:** Students at school sponsored, off-campus events shall be governed by school district rules and regulations and shall be subject to the authority of school district personnel.

### 9. FREEDOM OF SPEECH AND ASSEMBLY

a. Students are entitled to express verbally their personal opinions in a manner that does not interfere with the freedom of others to express themselves. Obscenity and slander are prohibited.

\* THE SCHOOL DISTRICT OF ANCHORAGE ASSUMES NO LIABILITY FROM THE STATE AND DOES NOT ENDORSE OR WARRANT THE QUALITY OR QUANTITY OF GOODS OR SERVICES AND DOES NOT WARRANT THE PURCHASE OF ANY PRODUCT.

1. Students have the freedom to assemble peacefully. There is an appropriate time and place for such assemblies. Meetings of school-sponsored organizations on school property shall be conducted at times and places approved by the principal or his/her designee. Conducting demonstrations or meetings which interfere with the educational process or the lawful activities of others is prohibited.

## 10. FREEDOM OF SYMBOLIC EXPRESSION

- a. **STUDENT DRESS CODE:** Each student shall attend school clothed in a manner which is clean, not hazardous to the safety of him/herself or others, and which does not detract from the required educational environment. Students may not wear clothing or items that are associated with gangs or gang-like groups. Students who do will be excluded from school until such time that they cease wearing the clothing or items to school or school events.
- b. **BUTTONS AND ARMBANDS:** Students may wear or display buttons, armbands, flags, decals and other badges of symbolic expression, unless the manner of expression materially or substantially interferes with the orderly process of the school or the rights of others. Items that are associated with gangs or gang-like groups are deemed in and of themselves to substantially interfere with the orderly process of school.
- c. **PATRIOTIC ASSEMBLY:** A student may abstain from the pledge or salute if he/she desires.

## 11. FREEDOM TO PUBLISH

- a. Generally, the restrictions and regulations governing responsible journalism\*, as defined by the American Society of Newspaper Editors, should be applied to ASD student publications with the clear understanding that school officials have the authority, indeed the duty, to provide for an ordered educational atmosphere free from constant turmoil and distraction. (Note School Board Policy 490.1 Student Publications)  
**Prohibited material:** Material which is libelous or violates the rights of privacy; obscene according to community standards; profane or vulgar slang language which would not be used by the local newspapers; advocating the breaking of school policy or law; critical, demeaning or attacks any race, religion, sex, handicap or ethnic group; commercial solicitation for products, i.e., cigarettes, liquor, drugs or any product prohibited for any person 18 years of age or younger; endorsements of or solicitations regarding partisan causes, political candidates or ballot measures of a nature that it would cause a disruption of the school. (Note School Board Policy 490.14)
- b. Students are entitled to express in writing their personal opinions but are expected to exercise responsibility and good judgment. The distribution of such material may not interfere with or disrupt the educational process. A written expression of opinion must be signed by its author except that editorials representing a newspaper position may be printed without signature if all members of the editorial board are identified elsewhere in the paper. (Note School Board Policy 490.13)
- c. Students have the right to distribute leaflets and handbills at times and places as determined by the unit administrator or his/her designee. The students who edit, publish or distribute such leaflets and handbills among their fellow students assume the responsibility for the content of such publications. The administrator or his/her designee shall be entitled to predistribution examination of materials to ascertain whether these materials would disrupt the orderly educational process.

Non-school publications being distributed on school property may be seized by the unit administrator or his/her designee who has reasonable cause to believe that such publications contain libelous or obscene material. Seized publications must be returned to the student or made available to the parent/guardian at the end of the school day.

\* Codes of the Canons of Journalism are available in the school office and the school library.

- d. Commercial solicitation not authorized by the Superintendent or designee will not be allowed on school property at any time. An exception to this rule will be the sale of non-school-sponsored student newspapers published by students of the school district. Nonschool newspapers may be distributed only at times and places as determined by the unit administrator or his/her designee.

- e. Students have the right to do necessary research for articles, including public opinion polls, and shall have the responsibility not to abuse that right. Polls shall be authorized by the unit administrator or his/her designee if they interrupt class time, and the unit administrator or his/her designee shall be informed of polls taken during students' free time in school.

## 12. SEARCH AND SEIZURE

The following rules shall apply to search and seizure pertaining to students and school property assigned to them (e.g., lockers, desks):

- a. Search of a specific area assigned to a student should be for a specific item and take place in the presence of the student and that of a third person if each, respectively, can be located.
- b. The school administration retains control over lockers and desk space loaned to students. The unit administrator or his/her designee has the right and duty to inspect and search students' lockers and desks, if he/she has reasonable cause to believe, upon information received from the police or otherwise, that drugs, weapons, dangerous illegal, or prohibited matter, or goods stolen from the school or from members of the staff or student body, are likely to be found therein. The unit administrator or his/her designee has the right and duty to search a student's person if he/she has reasonable cause to believe that drugs, weapons, dangerous illegal or prohibited matter, or such stolen goods, are likely to be found on the student's person. The fruits of such searches may be turned over to the police or used in school disciplinary proceedings.
- c. No search shall be conducted without attempting to secure the permission of the person possessing the property to be searched except if the suspected possession poses threat to life or property. Searches of lockers specifically for the purpose of locating weapons or firearms may be conducted by school authorities. Students will be notified at least once each semester that such searches will be conducted at the discretion of the unit administration.
- d. Illegal items (firearms, weapons) or other possessions reasonably determined to be a threat to the safety or security of others may be seized temporarily by school authorities and at the discretion of the unit administrator or his/her designee turned over to the police authorities. All legal items shall, upon request, be made available to the parent/guardian or the student at the end of the school day.
- e. The above provisions shall not apply to general searches conducted for a specific purpose and with announcement at least one day prior to the day of the search.
  1. Items which are used to disrupt or interfere with the educational process may be seized temporarily by school authorities. Such items shall, upon request, be returned to the student or the parent/guardian at the end of the school day.
  2. The unit administrator or his/her designee may search automobiles which are parked on school grounds if he/she wishes to determine that drugs, alcohol, weapons, dangerous illegal matter or goods stolen from members of the staff or student body are likely to be found therein.

## 13. STUDENT SEARCH PROCEDURES

### A. Lockers and Desks

The School District retains control over locker and desk space

provided to students, as stated in the ASD Statement of Rights and Responsibilities. (See School Board Policy #430) The unit administrator and/or his/her designee may inspect and search students' lockers and desks, if he/she has reasonable cause to believe that drugs, weapons, illegal or dangerous materials, or stolen goods will be found inside.

### B. Possessions and Outer Garments

The school administration has the authority to inspect and search the possessions (e.g., purses, gym bags, instrument cases) and outer garments (e.g., jackets, coats, shoes or boots) of students when the unit administrator has reasonable cause to believe that drugs, alcohol, weapons, illegal or dangerous materials, or stolen goods are likely to be found. No probable cause or warrant is required before a search may be conducted. A search may be conducted if a school official believes that a violation of a school rule or State law has taken place. Any such search must be conducted in private by the unit administrator or an assistant principal, and witnessed by a staff person. School authorities will make a reasonable effort to contact the student's parent/guardian to obtain his/her consent prior to the search. Searches will be limited to the examination of the contents of a student's possessions and outer garments, although a student may be requested to empty pockets or all contents. Materials discovered in a search may be used in school disciplinary proceedings, and turned over to the police.

### C. Search of a Student's Person

Should an administrator have reason to believe that a student has drugs, weapons, illegal or dangerous materials, or stolen goods concealed on his/her person, the administrator may conduct a search of the student's person. No such search may be undertaken, unless, in the administrator's judgment, there is adequate information based on direct observation by school personnel or reliable information from third parties, that a student is likely to have prohibited material on his/her person.

Prior to commencing a search of a student's person, the student must be told the nature of the information against him/her, and reasonable efforts must be made by school authorities to notify the student's parents/guardian and permit the parent/guardian the opportunity to be present. The student, or the student's parent/guardian if present, will be asked to sign a written consent form, specifying the nature of the search, the rights of the student, and the possible consequences faced by the student. If consent is refused, the student, or parent/guardian if present, will be asked to sign a written statement to that effect. In case of refusal, the search procedure will be immediately halted, and the matter turned over to the police.

Initial searches of a student's person shall be confined to a pat-down search unless the student specifically requests that the search proceed with the removal of garments rather than a pat-down search. Male students will be searched by men and female students only by women. During such a search, procedures to assure the privacy and dignity of the student will be followed.

Should a pat-down search provide reasonable cause to believe that the student has prohibited material concealed upon his/her person, the student will be requested to surrender the materials. If the pat-down search does not reveal any prohibited material, but based on information received, the administrator continues to have reasonable cause to believe there is a strong likelihood that prohibited material is concealed upon the student's person, the administrator may request the student to remove or adjust clothing to the degree necessary to ascertain whether the student does in fact possess prohibited material. Prohibited material uncovered in a search may be used in school disciplinary proceedings, and turned over to the police. Any such search will be conducted with the utmost respect for the

utmost respect for the student's privacy and dignity.

Should a student, or student's parent/guardian, at any point refuse permission to continue a search, the school authorities will immediately discontinue the search procedure. The student, and parent/guardian will be informed that unless permission is granted to continue the search, the matter may be turned over to law enforcement officials. Should permission still be withheld, the student will be placed in a supervised area and the police called.

### D. Emergency Exception

When an administrator believes with a reasonable certainty on the basis of information provided through direct observations by school personnel, that a student possesses any weapon or dangerous material which poses an imminent threat to life or property, he/she may authorize an immediate search of the student's person or possessions. In such a case, the student's parent/guardian will be notified of the search as soon as possible. No physical force may be applied during any search of the student unless there is an immediate threat of imminent danger to persons or property.

## STUDENTS RIGHTS AND RESPONSIBILITIES

The ASD Statement of Rights and Responsibilities updated August, 1991, constitutes Board policy on matters pertaining to students' rights and responsibilities. In any case of conflict between the Statement of Rights and Responsibilities and any other District policy or procedure, the Statement of Rights and Responsibilities shall take precedent unless specifically limited by such other Board policy.

### DUE PROCESS

The constitutional rights assured to individuals includes the guarantee that no person shall be deprived of life, liberty or property without due process of law. Students are recognized as "Persons" under the constitution and a system of constitutionality and legally sound procedure has been developed for the administration of discipline in the schools.

1. The hallmark of the exercise of disciplinary authority shall be fairness.
2. Before the imposition of a sanction, a student shall be given an opportunity to contest any alleged facts leading to the proposed disciplinary action and to present his or her version of the facts.

### SANCTIONS

1. **SIMPLE DISCIPLINE:** Any disciplinary action against a student other than suspension or expulsion. No simple disciplinary action shall be taken in such a manner as to prevent a student from accomplishing specific academic grade, level or graduation requirement, provided that credit may not be granted for irregular attendance as described in the Secondary Administrative Manual. Simple disciplinary actions will be subject to the procedures established in Section 2(b) below.
2. **SHORT TERM SUSPENSIONS:** Denial, without a formal hearing, of the right of school attendance either from a single class or any full schedule of classes for a limited period of time not to exceed three (3) school days.
  - a. **Short Term Suspension:** A short term suspension is a suspension ordered for any reason by the school administrator where the total sanction will not exceed three (3) school days.
  - b. Prior to a student being placed on short term suspension, the student must be given written or oral notice of the charges against him/her, and, if he/she denies them, an explanation of the evidence the administrator has, and an opportunity to present his/her side of the case. This explanation and opportunity to present facts may occur immediately after notice of the charges is given to the student.
  - c. **Notice to Parent/Guardian:** Except in most extreme situations

for students whose presence poses an immediate or continuing danger to themselves, other persons or property, or an ongoing threat of disruption of the academic process, the school administrator shall endeavor to notify the parent/guardian of the student of the pending suspension. In addition, the student and/or his/her parent/guardian shall be provided written notice of the suspension prior to the time the suspension is to commence.

2. Appeal of Suspension. After notification of the suspension, the student or his/her parent/guardian may request an informal hearing. The request shall be in writing. The hearing shall be held as soon as possible after receipt of the written request and shall be before an individual other than the individual who imposed the suspension. No persons other than the student, the parents/guardians and the individual who imposed the suspension may attend the hearing, although the individual designated to hold the hearing may, in his/her sole discretion, allow other persons with knowledge of facts relevant to the suspension to attend the hearing to describe their knowledge of the facts. The decision of the designated individual will be announced in writing within one school day after the hearing ends and shall be final.

The submission of a written request for a hearing shall stay further imposition of any remaining portion of the suspension. Failure to submit a written request for a hearing until after the completion of a suspension shall constitute a waiver of any right to such a hearing.

3. **LONG TERM AND EMERGENCY SUSPENSIONS:** Denial of the right of attendance from any single class or any full schedule of classes for a stated period of time greater than three (3) school days. The following limitations shall apply to all long term suspensions:

- No student shall be suspended from an elementary school for more than forty-five (45) consecutive school days.
- No student shall be suspended from a secondary school for more than ninety (90) consecutive school days.
- Emergency Suspension**—Suspension to be used in the most extreme situations for students whose presence poses an immediate or continuing danger to self, persons or property or whose behavior threatens to disrupt the academic process. Immediate removal from school may occur. In such cases, the necessary notice and opportunity for a hearing shall follow as soon as is practical, with the hearing and any subsequent proceedings to be governed by the procedures set out in Sections 3, 4 and 5.

4. **EXPULSION:** The denial of the right of school attendance, either from a specific school or from the District, for an indefinite period of time. No student shall be expelled unless other means of correction have failed or would not be adequate in bringing about proper conduct. In addition, the matter of an expelled student's further education shall be referred to the appropriate authority.

5. **PROCEDURAL REQUIREMENTS:** The following guidelines will govern the procedures when suspension or expulsions under Sections 3 or 4 above are proposed by school authorities.

- When the school administrator, the Superintendent or his designee recommends long term suspension or expulsion, a written notice shall be delivered by mail or in person to the student and his/her parent/guardian. This notice shall state the student's right to a hearing, the specific charges lodged against him/her, and the recommended sanctions. The student and/or his/her parent/guardian may reply in writing within five (5) school days of receipt of the notice, indicating whether he/she wishes to have a hearing. If a reply is not received within the five (5) day period, the student and his/her parent/guardian shall be deemed to have waived his/her right to a hearing. If a hearing is requested, it shall be held as promptly as possible after receipt of the request. The long term suspension or expulsion may be imposed after notice if:

- The student and/or parent/guardian does not request the formal hearing at the time of the suspension or expulsion.
  - In extreme situations where the presence of the student poses an immediate or continuing danger to him/herself, other persons or property or an ongoing threat of disruption of the educational process.
- The Hearing Officer. The Hearing Officer shall be appointed by the Superintendent or his designee and shall conduct the hearing in accordance with these rules.
  - The following procedural guidelines shall govern the hearing:
    - Parent/guardian may be present at the hearing.
    - The student, parent/guardian may be represented by legal counsel (or other spokesperson).
    - The student or his/her representative shall be permitted to inspect in advance of such hearing any affidavits or exhibits which school authorities intend to submit at the hearing.
    - The student shall be given an opportunity to present his/her version as to the charges by oral or written argument, affidavits, exhibits and such witnesses as desired.
    - All relevant, not unduly repetitious, evidence shall be accepted.
    - The student shall be allowed to observe all evidence offered against his/her. In addition, he/she shall be allowed to question any witness.
    - All witnesses presenting testimony before the hearing officer shall be sworn to testify truthfully.
    - The hearing authority shall make his/her determination solely upon the evidence presented at the hearing.
    - Either a tape-recorded or verbatim record shall be made of the hearing by the School District.
    - Within three (3) school days after completion of the hearing, the hearing officer shall render a written decision upholding, modifying, or rejecting the recommended sanction. The student and his/her parent/guardian shall be provided a copy of the decision within five (5) school days after completion of the hearing.
  - The student and his/her parent/guardian shall have five (5) school days after receipt of the written decision to appeal the decision to the School Board. If an appeal is not made, the decision shall take effect at the end of this five (5) day period. If an appeal is requested, the imposition of the decision shall be stayed until the appeal is decided by the School Board except under the circumstances described in Section 5(a)(2) above.
  - The following procedural guidelines shall govern an appeal to the School Board:
    - The Board or its designee will convene and hold a meeting to review the matter as promptly as possible after the receipt of such an appeal. The Board shall notify the student and his/her parent/guardian at least three (3) days prior to the scheduled meeting.
    - At that time, the student, his/her parent/guardian or spokesperson shall have the right to present oral and/or written argument. Consideration by the Board will be restricted to evidence in the record submitted during the hearing, although the Board may consider, in its sole discretion any new, relevant evidence not available at the time of the hearing.

The Board, in deciding the appeal, shall determine:

      - Whether the decision was arbitrary or capricious.
      - Whether the decision was supported by substantial evidence in the record; and
      - Whether the sanction was fair and reasonable in light of all circumstances.
    - The Board, or its designee, shall issue a written decision, within five (5) school days after the meeting. The student and his/her parent/guardian shall be provided a written copy of the decision, which shall be final and binding.
  - In no circumstances shall either a long term suspension or expulsion prevent a student from submitting an application for readmission prior to the termination of the sanction. Applications for readmission shall be submitted to the Superintendent.



## Lots of advice, no examples

Dear Editor:

I am a student at Service High School. Two of my classmates and I are doing a report on weapons and gun control in schools for our U.S. government class. While doing the research for this report, I have had to observe people and their reactions to the topic.

I have found that teen-agers realize more about what is going on around them than they let on. We teen-agers know that guns are bad, that stabbing someone is bad, that anything to do with gangs, drugs and sex is usually bad. Everyday we get bombarded with more facts on why we shouldn't do this or why we shouldn't do that.

We aren't as stupid as a lot of people say. It's not that teen-agers don't care about important issues like gun control, it's just that adults sit there and act like we're so dumb that we can't understand.

So, we show that we understand by getting adults' attention as well as we can, with the means that we have on hand. Unfortunately, some teen-agers have taken up arms, thinking, "If you aren't going to listen to us, then we'll make you listen."

I agree that teen-agers have become more violent, but then, so has everything else. There are adults fighting in wars. There's prejudice everywhere, with lots of fighting and no solution in sight. Anywhere you look, you'll most likely find violence — on television, in the newspapers, on the radio.

All our lives, we have been surrounded by some sort of violence, and people can't understand why we're so violent.

Talking usually brings no solutions, so try demonstrating this to us. Try showing us that adults can be as non-violent and peace-loving as they want us to be. Try for our sakes, as well as yours.

Anzimee Harris, 18  
Anchorage

ADN 2/26/92

# Classroom stabbing kills girl, 14

The Associated Press

ARCHDALE, N.C. — A 14-year-old girl died Tuesday after being stabbed in a classroom as 25 other eighth-graders watched, and her former boyfriend was arrested on a murder charge, authorities said.

"Everybody was running down the hall screaming," said 14-year-old Karalee Cameron.

The attacker entered the Archdale-Trinity Middle School classroom and asked to speak to Patricia Mounce, but she refused, said Police Chief Larry Allen.

He stabbed her once near the heart and fled the classroom. The youth ran to a

nearby business, telephoned police and surrendered, Allen said.

"We understand that it was an ex-boyfriend," said Worth Hatley, associate Randolph County school superintendent. "I can't remember anything this terrible happening in our school system."

Willis Odell Gravely Jr., 16, of High Point was charged with murder and held without bond in the Randolph County Jail.

The former boyfriend had been a student at the school but no longer lives in the district. He had been charged with kidnapping recently in another incident

involving her and may have been upset about the charge, Allen said.

The girl died during surgery at High Point Regional Hospital near Archdale, about 15 miles southeast of Winston-Salem in central North Carolina.

Classes continued and other students were told of the slaying. Counselors were brought in to talk to students.

"I think everyone is still trying to remain calm and trying to understand the tragedy that's occurred," said George Fleetwood, county school superintendent.

## NATION NEWS ADN 2/27/92

### Student shoots 2 schoolmates dead

NEW YORK — A 15-year-old student shot and killed two schoolmates Wednesday in a high school swarming with security guards preparing for a visit from the mayor, police said. Ian Moore, 17, and Tyrone Sinkler, 16, were shot point-blank in a second-floor hallway at violence-plagued Thomas Jefferson High School in the rough East New York neighborhood of Brooklyn. The suspect went to school looking for them, then "walked right up to them without saying a word and shot them," said Deputy Inspector Patrick Carroll. The suspect apparently carried a grudge, authorities said. The shooting occurred 90 minutes before Mayor David Dinkins arrived for a speech.

# Opinion

Charles Pottit President  
Steve M. Wilson Editor  
Gary Nelson News Editor  
Tom Herrmann City Editor  
Darrin Hostetler Opinion

## Arizona should hold parents responsible

As a society, we hold parents responsible for the safety of their young children. We require that parents erect fences around their swimming pools to keep children from drowning. We demand that infants be placed in car seats specially designed to protect them in case of an accident. When parents don't provide a safe and healthy home environment, we take away their children and charge them with neglect.

That is, indisputably, the right approach. Children, especially the youngest and smallest kids, are unable to take proper care of themselves and need the guidance and supervision of a loving adult.

Yet when it comes to something every bit as deadly as swimming pools and car accidents — loaded guns — Arizona inexplicably has refused to make parents responsible for their children's safety. The omission is inexcusable.

The danger of having loaded guns within reach of children was made more obvious earlier this month when a 3-year-old Phoenix boy, Stefan Whitmore, was fatally shot by his 4-year-old brother. The older child, unable to tell the difference between a deadly weapon and a toy, found a loaded weapon that police said belonged to his baby sitter's boyfriend and shot his brother in the head.

This sad incident is far from isolated. In just the past three months, two children and a teen-ager have been killed with guns which they or their friends had easy access to. A fourth teen-ager was wounded.

Two years ago, Florida was shocked by the deaths of 11 youngsters in less than two months from just such negligence. That state quickly adopted laws making adults legally accountable for their loaded firearms. California, Connecticut, Virginia and Iowa have adopted similar laws.

All Arizona group. Advocates

State law does not require loaded guns to be kept out of the reach of children. Recent tragedies have shown it should.

Against Adolescent Suicide, is pushing for a similar statute in Arizona. After three tragic deaths in three months, such a proposal ought to attract considerable interest. But in Arizona, where the reactionary National Rifle Association holds such strong influence, it will probably die as quickly and quietly — and as regrettably — as Stefan Whitmore.

We fail to see the rationale for opposing a measure requiring that guns be locked safely out of the reach of children. There is no hint of gun control here, no registration of firearms or waiting periods. While no law can prevent all senseless killings, the law would make more people be more careful with their firearms.

Opponents argue that no purpose is served by telling a parent already grieving for a lost child that he must serve time in jail. While we agree jail may be the wrong punishment, we could not disagree more with the contention that negligent adults should be unpunished by the state. Those convicted could serve their time in community service, furthering the cause of gun safety. And the punishment would serve to deter other parents from putting their own children in the same dangerous situation.

Arizona must stop playing Russian roulette with our children's lives and begin requiring parents to make sure their guns are locked safely away. For lawmakers to stop short of adopting such a law would itself be criminally negligent.

# A school, a child — and a gun — become props for a nightmare

An 8-year-old walking around with a gun.

In school. With hundreds of other little kids everywhere, laughing, horsing around, bumping into each other.

I don't know what picture came into your head when you read the story about the second-grader at Denali Elementary School who came to school with a loaded .25-caliber pistol. But that was my picture.

The props, in all, for a nightmare.

Understand that this is *elementary school* we're talking about. These are little boys and girls. These are folks who don't always think before acting, who might be what they see, who will try anything they can get their hands on.

Including guns.

And some of them, no doubt, get most of what they know about guns from television day in and day out.

Which means some also think the way guns are used on television — day in and day out — are the way guns are sup-



Terry Carr

TIMES COLUMNIST

Times 2/27/92

you could send your kids to school, and they'd be safe."

You just reach a point, I suppose, where you have to realize that anything is possible in school. Not every kid, not every teacher, not every administrator is going to qualify for heaven.

And not every home is going to lock up the gun so the kid won't take them to school.

That, of course, is at the bottom of it all. I sought a policeman's view. I called Capt. George Novnyk at the Anchorage Police Department.

Who, it turns out, has a kid in the second grade at Denali Elementary School.

"How does the child get access to the gun?" Novnyk said. "This is not just an issue of having possession of a firearm. This is an issue regarding parenting."

Which states it well.

Still, like some of the rest of us, Novnyk had a bunch of other questions.

"Why wasn't the weapon secure? Why wasn't it at a place where it's locked up and the child can't get access to it? What

if it goes off in recess?"

And, given the kid he has in the school, he also took the whole episode very personally.

"We tell young people it is bad to use drugs," he said. "We talk to them about AIDS. I'm not so sure that agencies like the National Rifle Association ... shouldn't be pushing national advertising that says weapons aren't meant to be taken into schools."

"I'm a police officer. I've got guns. I have a safe in my house, and it is locked."

Darryl Jordan, Anchorage School Board president, said much of the same.

"It is a parent problem, in general," he said. "But we can't ignore it, though. We can't say this is a parent problem and ignore it."

Which is true, too, and is the justification for stiff penalties — up to expulsion — for kids who bring weapons to school.

But banging on the problem kids isn't going to solve the entire problem.

There are still the parents.

From what I read, it's becoming routine in big cities for kids to bring weapons to school. Guns, and the violence they inevitably harvest, are a fact of life there.

A survey last year of gun possession on school grounds in Anchorage revealed 16 incidents. Three of them took place at elementary schools.

A nightmare.

Alaskans covet their guns. They use them for hunting, for protection, for fun-  
kerng.

Talk to an Alaska gun owner, and he or she will tell you guns are a fundamental, inviolable human right.

And most of them will go to the wall defending their right to own as many as they want of any type they want.

We've all heard the arguments again and again.

But some of us know nothing about the responsibility that comes with them.

Terry Carr's commentary appears Tuesday, Thursday and Sunday.

Times 2/25/92

## Second-grader takes loaded gun to school

By DIANA ELLIOTT  
TIMES WRITER

A second-grader played a dangerous game of show and tell Monday when he brought his father's loaded gun to school and flaunted it in front of his classmates at Denali Elementary School, police said.

The weapon, a .25-caliber semiautomatic pistol, was confiscated by school officials after a classmate took the gun away from the boy and turned it over to teacher Joey Jigiotti.

Jigiotti, a substitute teacher, was approached by a girl who handed her a gun and pointed out the boy who brought the weapon to school.

"It was a case of students self-policing themselves," said police Sgt. Marilyn Bailey. "It sounds like there are some kids who won't tolerate this."

The boy, whose name was not released because of his age, told police he took the gun from his father, loaded it and brought it to school because he was afraid.

"The explanation he offered was that he was scared, but he wasn't being specific," Bailey said.

The boy's father told police

he had taken his son shooting in the past. The man said he stored the gun separately from the ammunition, so the boy must have gotten into both, police said.

The student was taken to the principal's office, and police were called.

Bob Christal, assistant superintendent of the Anchorage School District, said some action had been taken against the child, probably some form of suspension.

"It's an extraordinary situation," Christal said.

Christal said this is the second time an elementary school student has brought a loaded gun to a district school. The other incident was last year at Mountain View Elementary School.

Carol Comeau, the district's executive director of elementary education, said the child's parents "have been very, very cooperative."

Bailey said it is disturbing to police that students get their hands on guns so easily.

"It's sad that children who have no concept of deadly weapons have such easy access to them," Bailey said.