

HB

215



NEA-ALASKA

Affiliated with the National Education Association

NEA-ALASKA POSITION PAPER

HB 215

NEA-Alaska supports passage of HB 215. Currently a pupil hostile to the welfare, safety or morals of other pupils may be suspended from school. We feel that most assume that a pupil demonstrating similar behavior to a school employee could also be suspended for the same reason. If hostile behavior is directed at a school employee, current suspension law provides that children must be endangered in order to suspend the child.

The proposed change in the statute simply gives school districts greater flexibility to apply suspension to students who endanger the welfare, safety or morals of school employees while working alone while at school.

HB 215 would allow school districts to suspend students who demonstrate hostile behavior to school employees. Many times employees are at school before and after the school day. Acts of violence against employees by students have occurred when children were not present, but because of the technical omission from the statute the violent act against an employee could not be used as sole grounds for suspension.

Earlier this year we received a report from an ombudsman who represented a student who pointed a weapon at a principal. This act was committed at a time when children were not present at school. Even though the child was given proper attention by civil authorities, the school district could not suspend the student because students were not present or not in danger.

We feel, with this slight change in the law, school districts will clearly have an opportunity to suspend a student if they demonstrate behavior that threatens a person employed at school.

3-7-95

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



STATE CAPITOL, JUNEAU 99801
(907) 465-3759

MEMORANDUM

TO: Senator Lyda Green
Senate HESS Committee Chair

FR: Representative Cynthia D. Toohey
Representative Con Bunde
House HESS Committee Co-Chairs

DA: March 23, 1995

RE: Scheduling of HB 215 "An Act relating to suspension of a student from a public school."

We would like to respectfully request that you schedule HB 215 before the Senate HESS Committee at your earliest convenience.

This bill passed the House with a vote of 37 - 0 and has a zero fiscal note.

Thank you for your consideration in scheduling this legislation.

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
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STATE CAPITOL, JUNEAU 99801
(907) 465-3759

HB 215 AM "An Act relating to suspension of a student from a public school."

This legislation is intended to correct a weakness in the current statute on suspension from or denial of admission to a public school. One of the five reasons a school district is allowed to suspend a child is for behavior that is inimicable to the welfare, safety or morals of other pupils. For a school district to suspend a child demonstrating hostile behavior, pupils must be present and their welfare, safety or morals must be threatened. If a school employee or volunteer is alone at school or alone in a classroom with no children present and the school employee or volunteer is threatened by a hostile pupil, that event cannot serve as grounds for the school district to suspend the hostile child.

For example, if a pupil entered a school at the end of the day with no children present and pointed a gun at the principal, the child could not be suspended under the provisions outlined in AS 14.30.045. The child could be prosecuted for assault, but the school district could not use the event as grounds for suspension of the student in this case.

The remaining four provisions of AS 14.30.045 do not address the school district grounds for suspension of the child under this circumstance. This amendment will correct the problem by allowing school districts to suspend students who demonstrate inimicable behavior to school administrators, teachers, secretaries, aides, volunteers, or any employee of the school district.

impartial investigation of all apparent violations. If it reasonably appears upon investigation that a person has violated AS 14.30.010, the governing body of a district school or regional educational attendance area, or the chief administrative officer of a private or federal school, shall make and file with the district court a complaint against the person, charging the violation (S 37-7-3 ACLA 1949; am § 1 ch 32 SLA 1949; am § 38 ch 98 SLA 1966; am § 55 ch 6 SLA 1984; am § 23 ch 85 SLA 1988)

Effect of amendments. — 1988 1988 amendment, effective June 2, 1988, deleted the former last sentence, which read "The judge or magistrate may issue a warrant for the arrest of the person and may act upon the complaint."

Legislative history reports. — For an analysis of the amendment of this section

§ 14.30.040 SLA 1988 HCS CSSB 411 Judic. see 1988 House & Senate Joint Journal Supplement No. 18, May 10, 1988, p. 5

Collateral references. — Privilege in reports or statements about school pupils 12 ALR 147

Sec. 14.30.040. Extension of provisions to United States public schools for aborigines. [Repealed, § 59 ch 98 SLA 1966]

Sec. 14.30.045. Grounds for suspension or denial of admission. A school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes:

- (1) continued wilful disobedience or open and persistent defiance of reasonable school authority;
- (2) behavior that is inimicable to the welfare, safety, or morals of other pupils;
- (3) a physical or mental condition that in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;
- (4) a physical or mental condition that in the opinion of a competent medical authority will cause the attendance of the child to be inimicable to the welfare of other pupils;
- (5) conviction of a felony that the governing body of the district determines will cause the attendance of the child to be inimicable to the welfare or education of other pupils (S 39 ch 98 SLA 1966)

NOTES TO DECISIONS

Quoted in *Breese v. Smith*, 501 P.2d 159 (Alaska 1972).

Collateral references. — Regulations forbidding pupils to leave school grounds during school hours — 5 ALR 659
Smoking as ground for expulsion or suspension of pupils

Expulsion of pupils 13 ALR 1160
Disciplinary authority of school authorities — 13 ALR 701
Expulsion or suspension from private

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 215

1995 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Education

Title: Grounds for Suspension of Students

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: (H) HESS Committee by request

Requester: (H) HESS Committee

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

This legislation clarifies when a school age child may be suspended from public school. House Bill 215 will have no fiscal impact on the Department of Education.

Prepared by: Sheila Peterson, Special Assistant

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Division: Commissioner's Office

Date: March 6, 1995

Approved by Commissioner: *Mike Maher*

Date: March 6, 1995

Agency: Education

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