

HB

253

Alaska State Legislature

Representative Jim Whitaker

Session
Capitol Building, Room 13
Juneau, Alaska 99801
Phone: (907) 465-3004
Fax: (907) 465-2070



Interim
Legislative Affairs Agency, LIO
119 N. Cushman St. Suite 101
Fairbanks, AK 99701

Proposed Amendments to Committee Substitute for House Bill 253 (NEA suggestions)

1. Page 2, line 5: after the word "program", before the period, add- "developed by the community with input from parents, teachers and other persons responsible for students" (The proposed language by NEA is actually "developed by teachers and other persons responsible for students with input from parents and the community." The change to NEA's proposed language is to keep the wording in line with a primary emphasis of the bill – community involvement- and to still make sure teachers are in the loop.)

The rationale here is that there is a benefit in specifying who is to actually develop the program. There may be a tendency for Principals to rubber stamp a "template" program provided by the school district to fulfill the letter and not the intent of the law if the players are not identified specifically.

2. Page 3, line 6: add new sub section which reads:
"School districts will report information related to the school disciplinary and safety program as required by the Department of Education and Early Development (EED) to include reporting of incidents of disruptive and violent student behavior. Procedures for reporting will be developed by EED."

The rationale is that this will provide useful information for evaluation of effectiveness of school disciplinary, behavior, and safety programs.

3. Page 3, line 6: add new subsection, which reads:
"The Department of Education and Early Development (EED) may provide schools with character development curriculum, behavior intervention strategies, and alternative programs and services that emphasize prevention, early intervention, and long term reduction of disruptive and violent behavior."

The rationale here is that NEA is willing to use their resources to encourage and assist EED in providing these resources for schools. The permissive language is to prevent mandating expenditures and to give EED the option of doing nothing if expenditures are not possible or deemed unproductive.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CS HB 253(HES)

Revision Date/Time (Note if correction) _____ Dept. Affected Education & Early Dev.
 Title School Disciplinary and Safety Program BRU Teaching & Learning Support
 Component Special & Supplemental Services
 Sponsor House HESS Committee
 Requester House HESS Committee Component No. 166

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

School disciplinary and safety programs are essential for school learning environments conducive to academic success. These programs are currently being implemented to some degree in all of Alaska's schools and school districts. This bill can be implemented within current school and district budgets, therefore the Department does not anticipate increased costs as a result of this bill.

Prepared by: Barbara Thompson, Deputy Director Phone 465-8727
 Division Teaching and Learning Support Date/Time _____
 Approved by Commissioner  Date 1.20.2000
 Agency _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

1-LS05991
Ford
1/17/00

CS FOR HOUSE BILL NO. 253(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE DYSON

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** AS 14.33 is amended by adding new sections to read:

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

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

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

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

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

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

4 **Sec. 14.33.120. School disciplinary and safety program.** Each school shall
5 adopt a written school disciplinary and safety program. A disciplinary and safety
6 program adopted by a school must include the following:

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

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

11 (3) policies and procedures for authorizing a teacher to remove a
12 student from the classroom for failure to follow the school behavior and safety
13 standards;

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

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

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

21 **Sec. 14.33.130. Enforcement of approved program; additional safety**
22 **obligations.** (a) A teacher, a teacher's assistant, or another person responsible for
23 students may not be terminated or otherwise punished for enforcement of an approved
24 school disciplinary and safety program, including behavior standards, adopted under
25 AS 14.33.120.

26 (b) A teacher, a teacher's assistant, or another person responsible for students
27 who

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

31 (2) observes a student committing a crime shall report the crime to the

1 local law enforcement agency; in this paragraph, "crime" has the meaning given in
2 AS 11.81.900.

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

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

13 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section
14 to read:

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

17 * **Sec. 3.** This Act takes effect July 1, 2000.



Alaska State Legislature

- Interim (May-Dec) -
10928 Eagle River Rd., Suite 140
Eagle River, Alaska 99577
☎ (907) 694-6683
FAX (907) 694-1015

- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

HB 253 Sponsor Statement

"An Act establishing a school disciplinary and safety program"

School Teachers must be able to control their classrooms and enforce appropriate student behavior to keep classrooms civil and safe.

HB 253 Requires Schools to:

- Install community agreed-upon student behavior standards,
- Establish disciplinary procedures for students who are unwilling or unable to abide by school behavior standards, and
- Protect teachers against retribution when the teachers use the established disciplinary procedures to enforce the community agreed-upon behavior standards.

Many schools and school districts in Alaska are doing a good job of following the letter and intent of this legislation. However, there are also schools in our state where the school board and/or administration do not enforce behavior and safety standards and do not back up teachers who try. This legislation does not set behavior and safety standards. It merely requires that local standards be identified and established and that teachers be protected for adhering to and enforcing these standards.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

Statutes referenced in CSHB 253 (HES)

1-LS0599\I

A. Referenced page 2, line 15:

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 or a person employed or volunteering at the school;

(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.

B. Referenced page 2, line 17:

Sec. 47.12.310. Agency records.

(a) Except as specified in ..., and (b) - (g) of this section, all information and social records pertaining to a minor... are privileged and may not be disclosed directly or indirectly to anyone without a court order.

(b) A state or municipal agency or employee

(1) shall disclose information regarding a case to a federal, state, or municipal law enforcement

agency for a specific investigation being conducted by that agency; and

(2) shall disclose appropriate information regarding a case to

(A) ...

(C) school officials as may be necessary to protect the safety of the minor who is the subject of the case and the safety of school students and staff or to enable the school to provide appropriate counseling and supportive services to meet the needs of a minor about whom information is disclosed;

C. Referenced page 2, line 20:

Sec. 11.81.430. Justification: Use of force, special relationships.

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

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

(2) When and to the extent reasonably necessary and appropriate to maintain order and when the use of force is consistent with the welfare of the students, a teacher may, if authorized by school regulations and the principal of the school, use reasonable and appropriate nondeadly force upon a student. If authorized by school regulations and the principal of the school, a teacher may use nondeadly force under this paragraph in any situation in which the teacher is responsible for the supervision of students. A teacher employed by a school board, including a regional educational attendance area school board, may use nondeadly force under this paragraph only if the school regulations authorizing the use of force have been adopted by the school board.

HB 253: Sectional Analysis

Section 1:

New Section 14.33.110 describes, in broad terms, the goals and purposes of HB 253.

New Section 14.33.120 requires each school to produce a written school disciplinary and safety program. Schools should have most of the elements of this mandate in place so compliance will simply be a matter of documenting what exists and ensuring that the program reflects community values. Elements of the program are to include:

- 1) Behavior standards representative of the values of the community in which the school resides.
- 2) Policies and procedures for a teacher to follow to remove students who are a threat to safety from the classroom.
- 3) Procedures for notifying teachers of students who may be a threat to safety.
- 4) Policies authorizing a teacher to use appropriate force to maintain classroom discipline.

New Section 14.33.130 makes it a class A misdemeanor to terminate or discipline a teacher who is enforcing an established school disciplinary and safety program. It also requires a teacher, teacher's assistant, principal, or other school official who receives certain information about a student to report it to the student's teacher and to report student criminal activity to the local law enforcement agency.

Section 2:

Gives a deadline for school compliance

Section 3:

Sets an effective date.