

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7816 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

- 1 (2) discharges a firearm from, on, or across a highway;
- 2 (3) discharges a firearm with reckless disregard for a risk of damage
- 3 to property or a risk of physical injury to a person;
- 4 (4) manufactures, possesses, transports, sells, or transfers metal
- 5 knuckles;
- 6 (5) manufactures, sells, or transfers a switchblade or a gravity knife;
- 7 [OR]
- 8 (6) knowingly sells a firearm or a defensive weapon to a person under
- 9 18 years of age; or
- 10 (7) knowingly possesses a deadly weapon or a defensive weapon,
- 11 without the permission of the chief administrative officer of the school or district
- 12 or the designee of the chief administrative officer, within the grounds of or on the
- 13 parking lot immediately adjacent to a public or private preschool, elementary,
- 14 junior high, or secondary school or while participating in a school-sponsored
- 15 event, except that a person 21 years of age or older may possess a
- 16 (A) deadly weapon other than a loaded firearm in the trunk
- 17 of a motor vehicle or encased in a closed container in a motor vehicle;
- 18 (B) defensive weapon.
- 19 \* Sec. 2. AS 11.61.210 is amended by adding a new subsection to read:
- 20 (d) The provisions of (a)(7) of this section do not apply to a peace officer
- 21 acting within the scope and authority of the officer's employment.
- 22 \* Sec. 3. AS 11.61.220(a) is amended to read:
- 23 (a) A person commits the crime of misconduct involving weapons in the fifth
- 24 degree if the person
- 25 (1) knowingly possesses a deadly weapon, other than an ordinary
- 26 pocket knife or a defensive weapon, that is concealed on the person;
- 27 (2) knowingly possesses a loaded firearm on the person in any place
- 28 where intoxicating liquor is sold for consumption on the premises;
- 29 (3) being an unemancipated minor under 16 years of age, possesses a
- 30 firearm without the consent of a parent or guardian of the minor;
- 31 (4) knowingly possesses a firearm

1                    [(A) OR A DEFENSIVE WEAPON WITHIN THE GROUNDS  
2                    OF OR ON A PARKING LOT IMMEDIATELY ADJACENT TO A PUBLIC  
3                    OR PRIVATE PRESCHOOL, ELEMENTARY, JUNIOR HIGH, OR  
4                    SECONDARY SCHOOL WITHOUT THE PERMISSION OF THE CHIEF  
5                    ADMINISTRATIVE OFFICER OF THE SCHOOL OR DISTRICT OR THE  
6                    DESIGNEE OF THE CHIEF ADMINISTRATIVE OFFICER, EXCEPT THAT  
7                    A PERSON 21 YEARS OF AGE OR OLDER MAY POSSESS

8                                   (i) AN UNLOADED FIREARM IN THE TRUNK OF  
9                                   A MOTOR VEHICLE OR ENCASED IN A CLOSED CONTAINER  
10                                  IN A MOTOR VEHICLE;

11                                 (ii) A DEFENSIVE WEAPON; OR

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

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

17 \* Sec. 4. 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  
19                                 locker or other container provided in a school by the school or the school district may  
20                                 be searched and examined with the permission of the chief administrative officer of  
21                                 the school or the school district or the designee of the chief administrative officer to  
22                                 determine compliance with school regulations, school district regulations, and local,  
23                                 state, and federal laws.

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

29                                 (c) Nothing in this section limits the ability of a peace officer, chief  
30                                 administrative officer, or other appropriate person, acting in compliance with local,  
31                                 state, or federal laws, to search a locker or other container provided in a public or

1 private school by the school district.

2 \* Sec. 6. AS 14.45 is amended by adding a new section to article 3 to read:

3 Sec. 14.45.190. SCHOOL LOCKERS. A private school may search school  
4 lockers and other containers as provided in AS 14.03.105.

Rep Bill



Alaska State Legislature  
House of Representatives  
COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

DATE: 2/11/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
\* HB 299: DRIVERS LICENSE REVOCATION; ALCOHOL/DRUGS  
\* HB 417: POSSESSION OF FIREARMS IN SCHOOL LOCKERS  
\* HB 418: EXTEND BOARD OF PAROLE  
\* INDICATES FIRST PUBLIC HEARING

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Sam Russell	JDHS	William O'Neil		740-2646		(Y) N	299
Kai Morrison	JDHS	Concepcion Pausan Sitka HR417		586-2883		(Y) N	299
Alisha Heck	JDHS			789-5120		(Y) N	299
Jesse Gemmill	JDHS			586-9016		(Y) N	299
Vernon Marshall		NEA-AK				(Y) N	417-299
M.E. Olson	Member ARRP (S)	1032 W. 11th Anchorage, AK		273-915		Y (N)	-
JAMIE MARKS	NEA/T					(Y) N	299
Margaret Knuth	Law-Crim				3428	Y (N)	HB 299 HB 417
Terrie Stoll	KIDPAC				3-6744	(Y) N	HB 417 - I have an appt at 4:15 so that
						Y N	
						Y N	



Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: 2/6/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Richard Collier	PAROLE BOARD	Box 112000 JUNEAU AK.	99801		465-3384	Y	N	HB 418
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

8-LS1589J  
Luckhaupt  
2/15/94

CS FOR HOUSE BILL NO. 417( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE BUNDE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the possession of deadly weapons within the grounds of or  
2 on the parking lot of preschools, elementary, junior high, and secondary schools;  
3 and relating to school lockers and other containers provided in a public or  
4 private school by the school or the school district."

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  
8 degree if the person

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

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

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

1 (4) knowingly possesses a [FIREARM]

2 (A) deadly weapon or a defensive weapon within the grounds  
3 of or on a parking lot immediately adjacent to a public or private preschool,  
4 elementary, junior high, or secondary school without the permission of the  
5 chief administrative officer of the school or district or the designee of the chief  
6 administrative officer, except that a person 21 years of age or older may  
7 possess

8 (i) a deadly weapon other than a loaded firearm [AN  
9 UNLOADED FIREARM] in the trunk of a motor vehicle or encased in  
10 a closed container in a motor vehicle;

11 (ii) a defensive weapon; or

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

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

17 \* Sec. 2. 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  
19 locker or other container provided in a school by the school or the school district may  
20 be searched and examined with the permission of the chief administrative officer of  
21 the school or the school district or the designee of the chief administrative officer to  
22 determine compliance with school regulations, school district regulations, and local,  
23 state, and federal laws.

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

29 (c) Nothing in this section limits the ability of a peace officer, chief  
30 administrative officer, or other appropriate person, acting in compliance with local,  
31 state, or federal laws, to search a locker or other container provided in a public or

1 private school by the school district.

2 \* Sec. 3. AS 14.45 is amended by adding a new section to article 3 to read:

3 Sec. 14.45.190. SCHOOL LOCKERS. A private school may search school  
4 lockers and other containers as provided in AS 14.03.105.

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

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

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

February 15, 1994

**SUBJECT:** Sectional Summary of CSHB 417( )  
(Work Order No. 8-LS1589J, dated 2/15/94)

**TO:** Representative Con Bunde  
Attn: Patty

**FROM:** Jerry Luckhaupt *JL*  
Legislative Counsel

You have asked for a sectional summary of the above-described bill. Please be advised that a sectional summary is not an authoritative statement of the contents of a bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.61.220(a)(4) by providing that a person commits the crime of misconduct involving weapons in the fifth degree if a person possesses a deadly weapon<sup>1/</sup> on school grounds or the parking lot of a preschool, elementary, junior high, or secondary school, in certain situations. Violation of this section is a class B misdemeanor.<sup>2/</sup> AS 11.61.220(g).

Section 2 of the bill amends AS 14.03 by adding a new section that provides for the search and examination of school lockers by school officials. Subsection (c) of that section, provides that this grant of authority does not diminish any separate authority to search that might exist.

Section 3 of the bill amends AS 14.45 by adding a new section that permits private schools to search school lockers as provided in AS 14.03.105 (added by sec. 2 of the bill).

GPL:lmb  
94-057.lmb

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<sup>1/</sup> "Deadly weapon" is defined at AS 11.81.900(b)(13) as:

firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive . . .

<sup>2/</sup> A class B misdemeanor is punishable as provided in AS 12.55.135 (imprisonment) and 12.55.035 (fine).



House of Representatives  
**SPONSOR STATEMENT**

HB 417

**“An Act relating to the possession of deadly weapons within the grounds of or on the parking lot of preschools, elementary, junior high and secondary schools; and relating to school lockers and other containers provided in a public or private school by the school or the school district.”**

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.

School districts throughout the state currently search lockers for a variety of prohibited items. However, these searches are not backed up by the force of law. The intent of HB 417 is to enhance the ability of school districts throughout the state to avoid potentially fatal incidences with deadly weapons. This bill will give school districts needed statutory authority to search lockers and other containers on school grounds.

AS 11.61.220 misconduct involving weapons in the third degree, already criminalizes unauthorized storage of guns in school lockers. Section 1 of this bill amends this statute to criminalizes the storage of **deadly weapons** as they are defined in AS 11.81.900 (b)(13).

Section 2 would announce that educational institutions could generally conduct or authorize the searches so long as students are warned ahead of time not to expect their lockers are 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 keep notices permanently posted.

Educational institutions already possess some right to conduct 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 search. This section clarifies the conditions of locker searches.

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

The amount of violence in schools throughout our state is escalating. If we do not take strong measures to curb the trend our students will pay the price. Schools will become places of fear instead of learning. Our standard of education will drop as teachers are forced to dedicate more of their scarce time to protecting students and themselves. This bill will provide the necessary back-up for a tool that is already in use by our schools and it will send a strong message to our students. I urge your support for HB 417.

**DIVISION OF LEGAL SERVICES**

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STATE OF ALASKA**

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**MEMORANDUM**

February 15, 1994

**SUBJECT:** Sectional Summary of HB 417 (Work Order No. 8-LS1589\E)

**TO:** Representative Con Bunde  
Attn: Patty

**FROM:** Jerry Luckhaupt *JEL*  
Legislative Counsel

You have asked for a sectional summary of the above-described bill. Please be advised that a sectional summary is not an authoritative statement of the contents of a bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.61.220(a)(4) by providing that a person commits the crime of misconduct involving weapons in the fifth degree if a person possesses a deadly weapon<sup>1/</sup> on school grounds or the parking lot of a preschool, elementary, junior high, secondary, or post-secondary schools in certain situations. Violation of this section is a class B misdemeanor.<sup>2/</sup> AS 11.61.220(g).

Section 2 of the bill amends AS 14.03 by adding a new section that provides for the search and examination of school lockers by school officials. Subsection (c) of that section, provides that this grant of authority does not diminish any separate authority to search that might exist.

GPL:gc  
94-126.glc

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<sup>1/</sup> "Deadly weapon" is defined at AS 11.81.900(b)(13) as:

firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive . . .

<sup>2/</sup> A class B misdemeanor is punishable as provided in AS 12.55.135 (imprisonment) and 12.55.035 (fine).

Effect of amendments. — The 1990 amendment added "in circumstances other than described in AS 11.61.200 (a)(7)" at the end of paragraph (a)(1) and repealed subsection (b).

The 1991 amendment, effective September 15, 1991, in subsection (a), rewrote paragraph (1) and added paragraphs (4) and (5).

NOTES TO DECISIONS

"Firearm". — A pellet pistol, which operates by the use of compressed air, does not qualify as a firearm because the weapon does not propel a shot through

some sort of explosive means. *Kinniah v. State*, 777 F.2d 1179 (Alaska Ct. App. 1989).

*Sec. 11.61.215. Intoxication as applicable to possession of a firearm. [Repealed, § 11 ch 59 SLA 1991.]*

*Sec. 11.61.220. Misconduct involving weapons in the third degree. (a) A person commits the crime of misconduct involving weapons in the third degree if the person*

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

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

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

(4) knowingly possesses a firearm

(A) within the grounds of or on a parking lot immediately adjacent to a public or private preschool, elementary, junior high, or secondary school, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, except that a person 21 years of age or older may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed container in a motor vehicle; or

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

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

(b) In a prosecution under (a)(1) of this section, it is an affirmative defense that the defendant, at the time of possession, was

(1) in the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or

(2) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

(c) The provisions of (a)(1), (2), and (4) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) In a prosecution under (a)(2) of this section, it is a defense that the defendant, at the time of possession, was

- (1) on business premises owned by or leased by the defendant; or
- (2) on business premises in the course of the defendant's employment for the owner or lessee of those premises.

(e) For purposes of this section, a deadly weapon on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a weapon without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it.

(f) For purposes of (a)(2) of this section, a firearm is loaded if the firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge.

(g) Misconduct involving weapons in the third degree is a class B misdemeanor. (§ 7 ch 166 SLA 1978; am § 23 ch 102 SLA 1980; am §§ 8, 9 ch 59 SLA 1991)

*Effect of amendments.* — The 1991 amendment, effective September 15, 1991, in subsection (a), inserted "or a defensive weapon" in paragraph (1), added paragraphs (4) and (5), and made stylistic changes; and in subsection (c), inserted, "and (4)."

NOTES TO DECISIONS

Cited in *Kinnish v. State*, 777 P.2d 1179 (Alaska Ct. App. 1989).

Sec. 11.61.240. Criminal possession of explosives.

NOTES TO DECISIONS

*Double jeopardy.* — The statutes which proscribe attempted murder, possession of explosives, and arson differ markedly in the conduct which they prohibit and in the specific societal interests which they seek to preserve, and multiple sentences for the three offenses do not violate double jeopardy. *Machado v. State*, 797 P.2d 677 (Alaska Ct. App. 1990).

Chapter 71. Controlled Substances.

Article

- 1. Offenses Relating to Controlled Substances (§§ 11.71.030, 11.71.040, 11.71.060, 11.71.070)
- 2. Standards and Schedules (§§ 11.71.140 — 11.71.180)
- 4. Definitions (§ 11.71.900)

Article 1. Offenses Relating to Controlled Substances.

<p>Section 30. Misconduct involving a controlled substance in the third degree 40. Misconduct involving a controlled substance in the fourth degree</p>	<p>Section 60. Misconduct involving a controlled substance in the sixth degree 70. [Repealed]</p>
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**Collateral references.** — Free textbooks and other school supplies for individual use of pupils. 17 ALR 299; 67 ALR 1196.

**Validity of exaction of fees from children attending elementary or secondary public schools.** 41 ALR3d 752.

**Sec. 14.03.083. Contracting for services.** (a) A school district may contract for educational services provided to students in the district by an agency which is accredited by the Department of Education under AS 14.07.020 and (b) of this section.

(b) The Department of Education shall adopt regulations and establish program standards for educational services which may be contracted for by a school district.

(c) Expenses incurred by the department in accrediting the agency and program shall be borne by the agency seeking accreditation. (§ 1 ch 49 SLA 1973)

**Collateral references.** — Right of municipal corporation to recover back from contractor payments made under contract

violating competitive bidding statute. 33 ALR3d 397.

**Sec. 14.03.090. Sectarian or denominational doctrines prohibited.** Partisan, sectarian, or denominational doctrines may not be advocated in a public school during the hours the school is in session. A teacher or school board violating this section may not receive public money. (§ 1 ch 98 SLA 1966)

**Collateral references.** — What constitutes "prayer" under federal constitu-

tional prohibition of prayer in public schools. 30 ALR3d 1352.

**Sec. 14.03.100. Use of school facilities.** The governing body of a school district may allow the use of school facilities for any legal gatherings or assemblies. The governing body shall adopt bylaws that will insure reasonable and impartial use of the facilities. (§ 1 ch 98 SLA 1966)

**Collateral references.** — Power of school authorities to provide gymnasium or athletic field and equipment for same. 69 ALR 871.

public school or religious purposes. 94 ALR2d 1274.

**Constitutionality, construction, and application of statutes declaring that school buildings are civic centers, or otherwise providing for use of such buildings for other than school purposes.** 79 ALR2d 1148; 94 ALR2d 1274.

**Tort liability of public schools and institutions of higher learning for accidents occurring during use of premises and equipment for other than school purposes.** 37 ALR3d 712.

**Use of school property for other than**

**Validity and construction of statute or ordinance forbidding unauthorized persons to enter upon or remain in school building or premises.** 50 ALR3d 340.

Sec. 14.03.110. Questionnaires and surveys administered in public schools. A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school any questionnaire or survey, whether anonymous or not, which inquires into private family affairs of the student not a matter of public record or subject to public observation unless written permission is obtained from the student's parent or guardian. (§ 1 ch 23 SLA 1979)

Sec. 14.03.130. Display of flag. United States and Alaska flags shall be displayed upon or near each principal school building during school hours and at other times the governing body considers proper. (§ 1 ch 98 SLA 1966)

Collateral references. — Power of legislature or school authorities to prescribe and enforce oath of allegiance, "salute to flag," or other ritual of a patriotic character. 110 ALR 383; 120 ALR 655; 127 ALR 1502; 141 ALR 1030; 147 ALR 698.

Sec. 14.03.140. Emergency drills. The principal or other persons in charge of each public or private school or educational institution shall instruct and train pupils by means of drills so that in an emergency they may be able to leave the school building in the shortest possible time without confusion or panic. Drills shall be held at least once each month during the school term, weather permitting. (§ 1 ch 98 SLA 1966)

## Chapter 05. Public Schools Generally.

*[Repealed, § 59 ch 98 SLA 1966.]*

## Chapter 07. Administration of Public Schools.

### Article

1. Department of Education (§§ 14.07.010 — 14.07.070)
2. State Board of Education (§§ 14.07.075 — 14.07.170)

### Article 1. Department of Education.

#### Section

10. Department of Education
20. Duties of the department
30. Powers of the department
36. Accounting and disposition of receipts
50. Selection of textbooks

#### Section

57. Transmittal of textbook selections
58. Alaska School Activities Association
59. Alaska school activities fund
60. Regulations
70. Withholding state funds

Sec. 14.48.180. Enforcement: Injunction. (a) The attorney general at the request of the commission or on motion of the attorney general, may bring an action or proceeding in a court of competent jurisdiction for the enforcement of the provisions of this chapter.

(b) When it appears to the commission that a person is, is about to, or has violated a provision of this chapter or a regulation adopted under this chapter, the commission may, on its own motion or on the written complaint of any person, file a petition for injunction in the name of the commission in a court of competent jurisdiction against the person for the purpose of enjoining the violation or for an order directing compliance with the provisions of this chapter. It is not necessary that the commission allege or prove that it has no adequate remedy at law. The right of injunction provided in this section is in addition to other legal remedies available to the commission and is in addition to the right of criminal prosecution. However, the commission may not obtain a temporary restraining order without notice to the person affected. (§ 1 ch 25 SLA 1976)

Sec. 14.48.190. Violations: Civil penalty. A person who violates the provisions of AS 14.48.020, or who fails or refuses to deposit with the commissioner the records required by AS 14.48.150 is subject to a civil penalty of not more than \$1,000 for each violation. Each day's failure to comply with the provisions of AS 14.48.020 and 14.48.150 constitutes a separate violation. The fine may be imposed by the commission in an administrative proceeding or by a court of competent jurisdiction. (§ 1 ch 25 SLA 1976)

Sec. 14.48.200. Criminal violation. A person who wilfully violates the provisions of AS 14.48.020 or who wilfully fails or refuses to deposit with the commission the records required by AS 14.48.150 is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both. Each day's failure to comply is a separate violation. (§ 1 ch 25 SLA 1976)

Sec. 14.48.210. Definitions. In this chapter

(1) "agent" or "agents" mean persons owning an interest in, employed by, or representing for remuneration, a postsecondary educational institution in or outside the state who, by solicitation made in the state, enroll or seek to enroll residents of the state for education offered by the institution, or offer outward educational services for remuneration, on behalf of the institution, or who hold themselves out to residents of the state as representing a postsecondary educational institution for any purpose;

(2) "agent's permit" means a nontransferable written authorization issued to a natural person by the commission which allows that person

to solicit or enroll a resident of the state for education in a postsecondary educational institution;

(3) "authorization to operate" means approval of the commission to operate or to contract to operate a postsecondary educational institution in the state;

(4) "commission" means the Alaska Commission on Postsecondary Education;

(5) "education" or "educational program or services" or like term includes any class, course, or program of training, instruction, or study;

(6) "educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify, purport, or are generally taken to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for education at a postsecondary educational institution;

(7) "owner" means

(A) a person having at least a 10 per cent interest in the stock of a postsecondary educational institution that is a corporation;

(B) a partner of a postsecondary educational institution that is a partnership; or

(C) a person having a direct financial interest in, or title to, at least 10 per cent of the assets of a postsecondary educational institution which is neither a partnership nor a corporation; however,

(D) "owner" does not include a financial institution holding a mortgage on some or all of the real property or a security interest in some or all of the personal property of a postsecondary educational institution;

(8) "postsecondary educational institution" includes an academic, vocational, technical, home study, business, professional, or other school, college, or university, or other organization or person, offering educational credentials, or offering instruction or educational services primarily to persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance for attainment of educational, professional, or vocational objectives;

(9) "to grant" includes awarding, selling, conferring, or giving;

(10) "to offer" includes, in addition to its usual meanings, advertising, publicizing, soliciting, or encouraging persons directly or indirectly to perform the act described;

(11) "to operate a postsecondary institution" means to establish, or maintain a facility or location in the state where education is offered or given, or educational credentials are offered or granted, and includes contracting with any person, group, or entity to operate an educational institution. (4 1 ch 25 SLA 1976)

**Chapter 45. Private and Denominational Schools.**

**Article**

- 1. Non-exempt Religious and Private Schools (§ 14.45.030)
- 2. Exempt Religious and Other Private Schools (§§ 14.45.100 — 14.45.130)
- 3. General Provisions (§ 14.45.200)

**Collateral references.** — 68 Am. Jur. 2d Schools, §§ 1307-1318.  
78 C.J.S. Schools and School Districts, §§ 3-11.

Expulsion or suspension from private school or college. 50 ALR 1497.

Public payment of tuition, scholarship, like, as respects sectarian school. 81 ALR 1309.

Tort liability of private schools and institutions of higher learning for accidents due to condition of buildings, equipment or outside premises. 35 ALR3d 975.

Tort liability of private schools and in-

stitutions of higher learning for negligence of, or lack of supervision by, teachers and other employees or agents. 38 ALR3d 908.

Constitutionality, under state constitutional provision forbidding financial aid to religious sects, of public provision of schoolbus service for private school pupils. 41 ALR3d 344.

What constitutes a private, parochial, or denominational school within statute making attendance at such school a compliance with compulsory school attendance law. 65 ALR3d 1222.

**Article 1. Non-exempt Religious and Private Schools.**

**Section**

30. Non-exempt schools

*Sec. 14.45.010. Teachers to secure certificates. [Repealed, § 59 ch 98 SLA 1966.]*

*Sec. 14.45.020. Commissioner may furnish examination questions for and grant diplomas to eighth grade pupils. [Repealed, § 6 ch 11 SLA 1984.]*

**Sec. 14.45.030. Non-exempt schools.** Teachers and others in charge of religious or other private schools not operated in compliance with AS 14.45.100 — 14.45.130 are not exempt from laws and regulations relating to education. Non-exempt schools shall make regular monthly attendance reports and annual reports to the commissioner in the same manner as teachers and superintendents in the public schools. (§ 37-11-3 ACLA 1949; am § 4 ch 11 SLA 1984)

**Article 2. Exempt Religious and Other Private Schools.**

**Section**

100. Exemption  
110. Requirements of exempt schools

**Section**

120. Standardized testing requirements  
130. Records

**Cross references.** — For legislative purpose of 1984 enactment, see § 1, ch. 11, SLA 1984 in the Temporary and Special Acts.

**Opinions of attorney general.** — A private school that accepts no state or fed-

eral funding is not required to obtain an educational certification from the Alaska Department of Education to be designated an exempt private school. Jan. 1, 1990 Op. Att'y Gen.

**Sec. 14.45.100. Exemption.** A religious or other private school that complies with AS 14.45.100 — 14.45.130 is exempt from other provisions of law and regulations relating to education except law and regulations relating to physical health, fire safety, sanitation, immunization, and physical examinations. (§ 5 ch 11 SLA 1984)

**Opinions of attorney general.** — The State Board of Education has statutory authority to adopt regulations concerning corporal punishment of students in pri-

vate schools to the extent necessary to protect the physical health and safety of the children. April 1, 1988 Op. Att'y Gen.

**Sec. 14.45.110. Requirements of exempt schools.** (a) The parent or guardian of a child of compulsory school age enrolled in a religious or other private school that complies with AS 14.45.100 — 14.45.130 shall file an annual notice of enrollment in the school for the child with the local public school superintendent for the area in which the child resides on a form provided by the department. The form shall be signed by the parent or guardian and the chief administrative officer of the school and returned to the local public school superintendent by the parent or guardian. The school shall notify the local public school superintendent within a reasonable time if the child is no longer enrolled in or attending the school.

(b) A religious or other private school that elects to comply with AS 14.45.100 — 14.45.130 shall maintain monthly attendance records for each student enrolled in the school, shall operate on a regular schedule, excluding reasonable holidays and vacations, during at least 180 days of the year, shall make an annual report to the commissioner of the number of students in each grade and the school calendar, and shall comply with the provisions concerning missing children under AS 14.30.700 — 14.30.720. (§ 5 ch 11 SLA 1984; am § 2 ch 202 SLA 1990)

**Cross references.** — For provisions establishing school age, see AS 14.30.010. **Effect of amendments.** — The 1990

amendment, in subsection (b), added all of the language following "calendar" and made a minor stylistic change.

gious or other private school that elects to comply with AS 14.45.100 — 14.45.130 shall administer a nationally standardized test selected by the chief administrative officer of the school to all students enrolled in grades four, six, and eight at least once each school year.

(b) The nationally standardized test must measure achievement in English grammar, reading, spelling, and mathematics.

(c) A religious or other private school that elects to comply with AS 14.45.100 — 14.45.130 shall maintain records of the results of the nationally standardized tests and the records shall be made available to the parent or guardian of the student. Each school shall make composite test results for the school available annually to an authorized representative of the department. The composite test results of a religious or other private school operated in compliance with AS 14.45.100 — 14.45.130 are not public information unless each public school

(1) is also required to administer a nationally standardized test that measures achievement in English grammar, reading, spelling, and mathematics; and

(2) the composite test results for each public school are public information. (§ 5 ch 11 SLA 1984)

**Sec. 14.45.130. Records.** (a) A religious or other private school that elects to comply with AS 14.45.100 — 14.45.130 shall maintain permanent student records reflecting immunizations, physical examinations, standardized testing, academic achievement, and courses taken at the school.

(b) The chief administrative officer of a school that elects to comply with AS 14.45.100 — 14.45.130 shall certify to the department, under oath or by affirmation, that the records required under (a) of this section are being maintained. (§ 5 ch 11 SLA 1984)

### Article 3. General Provisions.

#### Section

#### 200. Definitions

**Sec. 14.45.200. Definitions.** In this chapter

(1) "private school" means a school that does not receive direct state or federal funding;

(2) "religious school" means a private school operated by a church or other religious organization that does not receive direct state or federal funding. (§ 5 ch 11 SLA 1984)

ANCHORAGE SCHOOL DISTRICT  
ANCHORAGE, ALASKA

LEGISLATIVE INFORMATION REQUEST

JANUARY 25, 1994

TO: REPRESENTATIVE CON B'INDE  
C/O PATTI SWENSON  
(FAX) 464-3871

FROM:  LARRY WIGET, DIRECTOR  
GOVERNMENT RELATIONS/LEGISLATIVE LIAISON

SUBJECT: ASD SUSPENSIONS/ WEAPONS INCIDENTS: 1993

Per our conversation relating to weapon incidents in the Anchorage School District, I am attaching the following documents:

ASD Memorandum #486 (92-93): Suspension Report - Elementary  
ASD Memorandum #489(92-93): Secondary School Suspension Report  
for the 1992-93 School Year.

Elementary

Elementary students suspended during 1992-93 for weapons violations was one. In the "other" category, which includes such things as bringing knives to school, setting off fire alarms, racial slurs, rude gestures, pushing and hitting staff members, stealing, and making threatening remarks, 36 students were suspended.

The statistics for the 93-94 school year are currently being compiled and will be forwarded to you when available.

Secondary

A total of 106 suspensions for all types of weapons were reported for the year compared to 96 in 1991-92 and 69 in 1990-91. Suspensions related specifically to guns reached a total of 26 this year for various degrees of involvement in these incidents. A total of thirteen students were expelled for gun related incidents.

There were 10 firearm incidents, and 32 weapons incidents for the first quarter of the 1993-94 school year.

Enclosures

ANCHORAGE SCHOOL DISTRICT  
ANCHORAGE, ALASKA*Copy for  
Principals*

ASD MEMORANDUM #486 (92-93)

June 28, 1993

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT

*Bob Christie*

SUBJECT: 1992-93 SUSPENSION REPORT - ELEMENTARY EDUCATION

*WEA 2001-10*PERTINENT FACTS:

A summary of cumulative suspension activity for the elementary schools during the 1992-93 school year is included as Attachment A. The school-by-school cumulative compilation is shown as Attachment B.

Total suspensions in the elementary schools have decreased by fifty (50) or 8% since the 1991-92 school year. Although the overall rate of suspensions has decreased, the number of girls being suspended has increased by nineteen (19) or 18%; the number of suspensions for boys has significantly declined by sixty-nine (69), but is still high at 82%. The overall number of repeat suspensions has decreased by eight (8): the girls' rate was reduced by ten (10) or 8% while the number of boy repeaters increased by two (2) or 92% of the total.

The elementary school student population increased by 631 students during the 1992-93 school year. This positive decrease in the suspension rate can be attributed to the many proactive conflict resolution/anger management/school-wide discipline programs in the fifty-five elementary schools. The schools have taken on the task of infusing these standards and techniques into their curriculum and their staff training efforts in order to help students appreciate diversity and to cope with the increasing overcrowding in our elementary schools. This proactive action has been a collaborative effort on the part of principals, teachers, support staff, PTAs, parents, community members, and students. The nine schools which are fortunate enough to have elementary counselors have also noticed a considerable improvement in student decorum as the conflict resolution concepts are infused into their schools' curriculum. The School Board's leadership in adopting the Prejudice Elimination Resolution at the beginning of the school year also set the tone for acceptable behavior for students, staff, and the community.

While the decrease in the suspension rate is a positive trend; principals and central administration know that it is still too high. There has been a general tightening up of expectations for student behavior by principals, teachers, and parents as the schools are trying to cope with the increasingly aggressive and belligerent behavior among some of our student population, the increasing school enrollments, the lesser amount of playground space as a result of placing additional relocatables on the sites, and the considerable overcrowding and overuse of school facilities such as multipurpose rooms, corridors, bathrooms, etc. More and more classes of students must eat in their rooms in order to free up the multipurpose room for the physical education program; many support staff are jointly using closets, book rooms, and other substandard space. Student safety on the playground continues to be a concern as it is becoming more difficult to retain reliable noon duty attendants; this is partially due to the short period of employment each day (1 1/2 hours).

Overall increases were seen in the following categories for our female students: fighting (40%); larceny and coercion (60%); smoking (100%); profanity (20%); and other (70%). Increases for male students were seen in the larceny/coercion category (68%) and other (12%). Incidents that fall into the "other" category are such things as bringing knives to school, setting off fire alarms, racial slurs, rude gestures, pushing and hitting staff members, stealing, and making threatening remarks.

Areas in which the number of suspensions declined for both boys and girls were the following: destruction of property, disobedience and disruption, drug and alcohol related offenses, and weapons. Other areas declining for the boys were: fighting, use of profanity, and truancy.

Students receiving repeat suspensions showed increases for the following offenses: destruction of property (boys), disobedience and disruption (boys), larceny and coercion (boys), and other (girls). Decreases were noted for fighting (boys and girls), disobedience and disruption (girls), larceny and coercion (girls), smoking (boys), use of profanity (boys) and weapons (boys and girls).

Personnel in the elementary schools realize the significance of the increasing amount of violent and aggressive behavior so prevalent in our society and in Anchorage and are striving to improve the school climate and interpersonal relations within their school community. Most of the schools have begun some of the following activities: intensive conflict resolution training, parents and volunteers organizing playground activities, student mediators, skill streaming and pro-social skills training, the Developing Capable People program, Peer Assistance and Student Assistance teams through the Drug Free Schools Program, the Whole Child Project, prejudice elimination training, informal in-school suspension and time-out/detention programs, cross grade grouping at lunch recess periods (grades 1 and 6 out at the same

time, etc.), study buddies across the primary and intermediate grades, eating in the classrooms rather than in the very crowded multipurpose rooms, organized games at noon recess, study halls and tutorial sessions, etc. Considerable time and effort has been spent in training staff to be more accommodating to student learning styles, special needs, and cultural differences. Many of the principals are working closely with the staff, their PTAs, and the Community Schools and Parent Resource Centers where they have them, to educate parents in these areas so that there is a better match between school and home expectations and standards of behavior.

The elementary principals, teachers, and parents feel that the addition of more elementary counselors and noon duty/school aide positions is essential if the students are to be helped to learn acceptable methods of getting along in today's society. Many of the schools with a student mediator program have solicited a donation from a corporation or business or have used discretionary funds available to them during the 1992-93 school year to hire a student mediator coach/trainer. This discretionary fund was eliminated during the budget reductions for the 1993-94 school year.

The WISE project also mentioned the need for additional elementary counselors in many action plans. Elementary schools would like the flexibility of adding an "in-school suspension" program on an as-needed basis; this possibility has been eliminated with the reduction in discretionary funds. Conflict resolution training, also supported by the WISE project and the MECC, will be increased in more schools for the next school year; it is presently in over half of the elementary schools. All schools applying for Chapter II Instructional Improvement grants will be required to use the funds for prejudice elimination/conflict resolution training for the staff. Additional assistance for the elementary schools is essential if the gains made in the classroom are to be carried over to the playground, lunchroom, bus stops, etc. so that our suspension rate continues to decline. Approximately seventeen elementary schools will be over 600 students next year; additional administrative assistance would help reduce out of school suspension rates considerably because the administrators could take the time to work with the students and their parents to instill more self-discipline and a more cooperative attitude.

Elementary Education will continue to put a priority on reducing the suspension rate, while at the same time, ensuring a safe and orderly school learning environment so that all students can learn and that all teachers can teach.

BC/CC

ELEMENTARY EDUCATION SUSPENSION REPORT - 1992-93

Attachment .

SUSPENSION BY CATEGORY													
1992-93	GIRLS						BOYS						Grand Total Suspensions
	Am. Ind.	Asian	Black	White	Hispanic	Total	Am. Ind.	Asian	Black	White	Hispanic	Total	
	AK Nat.	Pac. Is.				Susp.	AK Nat.	Pac. Is.				Susp.	
	2	2	25	19	2	50	31	13	51	135	10	240	290
Fight						0	3		1	12		16	16
Destroy of Property						0	3		1	12		16	16
Disorder/Disruption	3	1	6	17		27	30	1	22	83	5	141	168
Discipline			5			5	1	1	7	13		22	27
Larceny				1		1						0	1
Drug					3	3				1		1	6
Smoking	2					5						1	6
Prohibited			4	1		5	2	1	6	13		22	27
Truancy						0				1		1	1
Weapons						0				1		1	1
Other		2	4	4		10		1	5	19	1	26	36
<b>TOTAL SUSPENSIONS</b>	<b>7</b>	<b>5</b>	<b>44</b>	<b>45</b>	<b>2</b>	<b>103</b>	<b>67</b>	<b>17</b>	<b>92</b>	<b>278</b>	<b>16</b>	<b>470</b>	<b>573</b>
<b>REPEATED SUSPENSIONS</b>													
	1		2	1		4	16		6	17	2	41	45
Fight						0				2		2	2
Destroy of Property						0				2		2	2
Disorder/Disruption			2	1		3	16	1	7	16	2	42	45
Discipline						0	1		1	1		3	3
Larceny						0						0	0
Drug						0						0	0
Smoking						0	1			2		3	3
Prohibited						0						0	0
Truancy						0						0	0
Weapons			1			1	1			1		2	3
Other						0						0	0
<b>TOTAL REPEATED SUSPENSIONS</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>35</b>	<b>1</b>	<b>14</b>	<b>39</b>	<b>4</b>	<b>93</b>	<b>101</b>

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FROM

TO

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ELEMENTARY EDUCATION SUSPENSION REPORT - 1992-93

Attachment B

SCHOOL	GIRLS					Total	BOYS					Total	Grand Total	Repeat Suspensions	Enrollment 6/3/93
	Am. Ind. AK Nat.	Asian Pac. Is.	Black	White	Hispanic		Am. Ind. AK Nat.	Asian Pac. Is.	Black	White	Hispanic				
01 Adams Loop						0			2	9		11	11		518
02 Adams Heights						0	1		2	6		9	9	1	407
03 Adams			4	2		6			2	5		7	13	4	563
04 Adams						0			1	2		3	3		515
05 Adams				1		1			1	1		2	3		645
06 Adams Valley				1		1	1	2	1	9		13	14	1	577
07 Blackwood AB				4		4				9	1	10	14		387
08 Wm. L. Bowman				1		1	2		3	8		13	14	7	803
09 Campbell						0			1			1	1	1	415
10 Cedar Valley				1		1			1	3		4	5		418
11 Clark		1	6	3		10	1		5	4		10	20	2	609
12 Clark Optional						0						0	0		242
13 Clark						0				5		5	5	1	606
14 Clark Gate						0	1		2	1		4	4	1	459
15 Clark Park		1	2	7		10			9	6		15	25	1	435
16 Clark				1		1				1		1	2		544
17 Clark River						0				2		2	2		665
18 Clark	1	1	13	1		16	3		9	4	1	17	33	9	401
19 Clark	1	1	1			3			1	13		14	17	1	605
20 Clark						0						0	0		121
21 Government Hill			3	1		4	7	2	3	7	1	20	24	4	278
22 Hancock						0			1	3		4	4	2	558
23 Hansen						0				3		3	3	1	569
24 Hansen				1		1				5		5	6		319
25 Hansen			1	1		2			1	2		3	5		265
26 Hill						0	1			5		6	6		652
27 Hill		1	3	3		7	1		6	20		27	34		701
28 Hill						0				5		5	5		393
<b>Total</b>	<b>2</b>	<b>5</b>	<b>33</b>	<b>28</b>	<b>0</b>	<b>68</b>	<b>18</b>	<b>4</b>	<b>51</b>	<b>138</b>	<b>3</b>	<b>214</b>	<b>282</b>	<b>36</b>	<b>13670</b>

ELEMENTARY EDUCATION SUSPENSION REPORT - 1992-93

Schools	GIRLS					Total Susp.	BOYS					Total Susp.	Grand Total Suspensions	Repeat Suspensions	Enrollment 6/3/93
	Am. Ind. AK Nat.	Asian Pac. Is.	Black	White	Hispanic		Am. Ind. AK Nat.	Asian Pac. Is.	Black	White	Hispanic				
260 Mt. View	4			2		6	9	1	8	7	4	29	35	7	539
270 Muldoon				2		2			1	3		4	6	1	399
280 North Star			1			1	5	2		14	3	24	25	15	518
290 No. Lights ABC						0				2		2	2		310
300 Northwood				2		2				6		6	8		632
310 Nunaka Valley	1			1		2	4		1	1		6	8	2	368
315 Ocean View						0	1		1	12		14	14		470
320 O'Malley						0				5	1	6	6		575
324 Orion						0				3		3	3		496
328 Plamigan			2	4	2	8	3		2	9		14	22	9	440
330 Rabbit Creek						0			1			1	1		522
335 Ravenwood			1			1				6		6	7	1	624
340 Rogers Park						0			1	2		3	3		540
345 Russian Jack						0			2	1		3	3		418
350 Sand Lake						0				3		3	3	1	820
360 Scenic Park						0			1	2		3	3		586
362 Spring Hill			1	2		3			1	4		5	8	1	646
364 Susitna						0			1	2		3	3		582
365 Taku			1			1		1		11		12	13	5	411
370 Tudor						0				13		13	13		631
380 Turnagain						0	16			13		29	29	13	704
381 Ursa Major			1			1	1		5	1		7	8	2	398
381 Ursa Minor				1		1		3	3	6	1	13	14		291
390 Williwaw						0	6	1	3	2		12	12	1	472
400 Willow Crest			2	3		5			2	3		5	10	2	518
410 Wonder Park			2			2	4	5	8	9	3	29	31	5	467
418 Wood, Gladys						0					1	1	1		539
Sub Totals	5	0	11	17	2	35	49	13	41	140	13	256	291	65	13916
TOTAL SUSPENSIONS	7	5	44	45	2	103	67	17	92	278	16	470	573	101	27586

ANCHORAGE SCHOOL DISTRICT  
ANCHORAGE, ALASKA

ASD MEMORANDUM #489 (92-93)

June 28, 1993

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT

SUBJECT: SECONDARY SCHOOL SUSPENSION REPORT FOR THE 1992-93 SCHOOL YEAR

~~WEAPONS - 106~~PERTINENT FACTS:

A summary of the suspension rates for the 1992-93 school year is attached as Attachment A. This document shows cumulative suspensions by category in the chart at the top of the page. Suspensions by school are shown on the chart on the bottom half of the page.

The overall suspension rate for this year compared to last year is essentially unchanged. Secondary student population increased by approximately 3.6 percent and the total number of suspensions is up by 3.5 percent. There is some variation in rates by category, however, most changes fall within the normal variations between years. Drug and alcohol suspensions remain constant at 25 percent of their peak in the mid 1980's. Fighting and weapon related suspensions are up 1,060 to 1,171 and 96 to 106 respectively. Vandalism and false fire alarms are down 66 to 31 and 11 to 3 respectively. At the same time, suspensions caused by refusal to cooperate with alternatives to suspension dropped from 650 to 413. Willful disobedience increased from 232 to 304 suspensions for the year.

Suspensions related to weapons have continued to increase even though they remain a small percentage of the total number of suspensions. A total of 106 suspensions for all types of weapons were reported for the year compared to 96 in 1991-92 and 69 in 1990-91. This is due, in part, to increased attention paid to the problem. Suspensions related specifically to guns reached a total of 26 this year for various degrees of involvement in these incidents. A total of thirteen students were expelled for gun related incidents. An additional eight students attended the Conflict Resolution pilot at REACH for serious weapons related incidents. The status of the weapons issue should continue to be judged as serious but is stable at this time. No gang related incidents other than graffiti were reported by the schools

ANCHORAGE SCHOOL DISTRICT  
ANCHORAGE, ALASKA

MEMORANDUM

December 1, 1992

TO: BOB CHRISTAL  
ACTING SUPERINTENDENT

FROM: BILL MELL, EXECUTIVE DIRECTOR  
SECONDARY EDUCATION

SUBJECT: WEAPONS INCIDENTS - FIRST QUARTER, 1992

The rate of incidents is up over the past two school years. The level of concern at schools has not returned to the early level exhibited in 1990. That is attributed to the schools acting quickly on information received. There have been no gang related incidents except for the neo nazi confrontation at Service. The outcomes for the students in that incident is attached as a separate memo.

Given the growth in violence related incidents and the sharp drop in drug and alcohol suspension, the Secondary Division is preparing a proposal for providing alternatives to suspension and expulsion for students involved with weapons or gangs using existing program staff. The proposal will be ready for review by December 18, 1992.

A District-wide review of weapons, firearms and gang related incidents is summarized in the chart below.

First Quarter Incident Frequency Chart  
December 1, 1992

Year	Weapons Other than Firearms	Firearms	Gang Related Incidents
1990-91	5	0	0
1991-92	11	5	0
1992-93	15	8	1

\*Service neo nazi incident

Attachment, Service memo

Post-It™ brand fax transmittal memo 7671 # of pages = 2

To	Patti Swanson	From	ZARA WIGST
Co.		Co.	ASD
Dept.		Phone #	269-2255
Fax #	465-3871	Fax #	269-2107

WEAPONS AND VIOLENCE RELATED SUSPENSIONS  
Incident Report 2nd Quarter 1991-1994

Category	1991-92	1992-93	1993-94
Firearms	0	0	3
Weapons	20	39	36
Gang Related	0	0	16
Fighting	238	266	267

INCIDENT REPORT 1993-94  
QUARTER 1 & 2

Category	Quarter 1	Quarter 2
Firearms	10	3
Weapons	32	36
Gang Related	5	16
Fighting	364	267

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.

\$2.75

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 gun(s) 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.

**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.

**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.

- ① This year we had a 6th grader at Mt View Elementary bring a loaded gun to school. Suspended for 45 days.
- ② 2nd grader Denali loaded semi automatic pistol lost Monday 2/24/92
- ③ 7 year Ed and West Hill School Stabbing.

1

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 23, 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 student. 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 5 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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# ASD STATEMENT AND RESPONSE 1993

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 4	
To Patti Swenson	From W. [unclear]
Co. c/o BUNDE	Co. ASD
Dept.	Phone # 269-2255
Fax # 465-3871	Fax #

## 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. A.S. 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 OF, 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. Weapons include, but are not limited to, firearms, pellet guns, stun guns, shockers, knives, clubs, brass knuckles, numchuks and throwing weapons.
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.

b. 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. 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 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<sup>1</sup>, 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.

<sup>1</sup> Copies 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.
- f. 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.
- g. 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 students 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 #450.) 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 of 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 search shall 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 procedures 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.

d. **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:

- a. No student shall be suspended from an elementary school for more than forty-five (45) consecutive school days.
- b. No student shall be suspended from a secondary school for more than ninety (90) consecutive school days.
- c. **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 Section 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.

a. 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.

- (1) The student and/or parent/guardian does not request the formal hearing at the time of the suspension or expulsion.
- (2) 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.
- b. **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.
- c. The following procedural guidelines shall govern the hearing:
  - (1) Parent/guardian may be present at the hearing.
  - (2) The student, parent/guardian may be represented by legal counsel (or other spokesperson).
  - (3) 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.
  - (4) 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.
  - (5) All relevant, not unduly repetitious, evidence shall be accepted.
  - (6) The student shall be allowed to observe all evidence offered against his/her. In addition, he/she shall be allowed to question any witness.
  - (7) All witnesses presenting testimony before the hearing officer shall be sworn to testify truthfully.
  - (8) The hearing authority shall make his/her determination solely upon the evidence presented at the hearing.
  - (9) Either a tape-recorded or verbatim record shall be made of the hearing by the School District.
  - (10) 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.
- d. 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.
- e. The following procedural guidelines shall govern an appeal to the School Board:
  - (1) The Board or its designee will schedule 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.
  - (2) 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:

    - (a) Whether the decision was arbitrary or capricious;
    - (b) Whether the decision was supported by substantial evidence in the record; and
    - (c) Whether the sanction was fair and reasonable in light of all circumstances.
  - (3) 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.
- f. In no circumstances shall either a long term suspension or

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 meant to 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 Hartsok, 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

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT SUPERINTENDENT

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 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 18 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.

ADN Feb 6, 1994

# A SCHOOL FORTRESS

## Metal detectors, guards greet students at door

By AVIVA L. BRANDT  
The Associated Press

**W**ELCH, W. Va. — At a guard shack outside Mount View High School, three teen-agers who had been unruly on a school bus stopped for inspection recently. The guard wrote down their names and ran a hand-held metal detector over each. The youths turned on command and raised their arms over their heads.

"Check my hat," one teased. "Maybe I've got a gun in my hat."  
He didn't.

But it was just another day at Mount View High School, where students must enter through airport-like metal detectors and are monitored all day by more than 30 video cameras.

Fortress Mount View isn't an inner-city school. Its 1,000 students attend class in a secluded building perched high on a hill overlooking an Appalachian town of fewer than 4,000 people, with the West Virginia coalfields beyond.

Principal Barbara Hairston calls the security a success. But some students say it hurts morale and doesn't work. In November, two students were suspended for having a gun at the school.

Metal detectors, drug-sniffing dogs and locker searches are becoming more common in American schools as educators try to curb "an epidemic of violence," according to a National School Boards Association report issued in January.

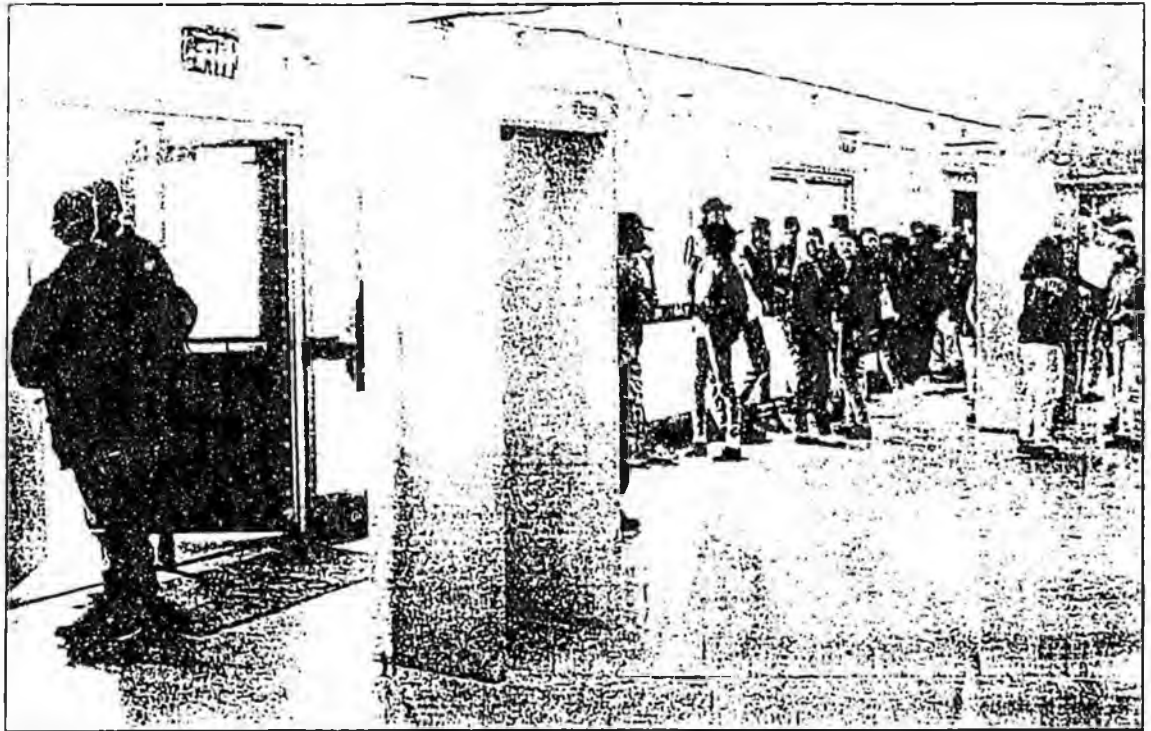
Eighty-two percent of 729 school districts responding to an association survey said violence in schools has increased in the past five years. Fifteen percent said they use metal detectors to screen for weapons.

At Thomas Jefferson High School in Brooklyn, N.Y., starting times for 1,500 students are staggered over 2 hours so they don't have to wait in line more than 15 minutes to be scanned through the metal detectors and X-ray machines, said Assistant Principal Frieda Homer.

The school began using the machines after three students were killed and a teacher injured in two separate shootings in 1991, she said.

"It's winding up in a lot of schools and a lot of institutions around the country. You can't get into a courthouse anymore without going through a metal detector," she said.

"If you listen to the news no matter where you travel, and I travel around the country quite a bit, the first item on every news report is who was killed, who was robbed and how many guns were involved. Until that stops



Students mill around near the metal detectors set up at the entrance to Mount View High School in Welch, W. Va., in December. The school began using the detectors in 1992 after a student wounded another student in a shooting incident. Three students were killed at the school in 1991 and a teacher wounded.

being the lead item on the news and in our lives. I don't think anyone should anticipate this going away," Homer said.

But Mount View High School freshman Chastity Hamilton, 15, says her school is taking security to extremes.

"It feels like a prison here," she said. "The older kids don't care because they've gotten used to it. But the younger ones like me are coming from schools where you're still playing with blocks."

Hamilton said she sometimes skips classes and part of the reason is because she feels pressured by all the security devices. She said school officials ought to trust the students.

The tight security followed years of violence stemming from school rivalries dating back before consolidation into Mount View in 1979.

On Jan. 17, 1992, a 17-year-old student pulled out a .25-caliber handgun and wounded Clayton Hightower, 18, during a special education class.

The next day, outraged parents protested by keeping their children from school. They demanded the resignation of McDowell County school officials if they didn't tighten security.

Within weeks, the school board provided two security guards, two walk-through metal detectors, a camera surveillance system, a guard shelter outside and an identification card system for anyone entering the school.



Mount View teacher Daniel Phillips carries a walkie-talkie at all times in school. Phillips said he believes students are less violent now after the security measures were installed.

Please see Page D-5 SCHOOL

# SCHOOL: Security tight after shootings

Continued from Page D-1

Hairston, a warm, charismatic woman, started as principal in August.

"I came into this job hoping to make a difference," she said. "We're here for the kids, not in spite of the kids."

Hairston downplayed the security measures and said students mostly ignore them. "It's a normal routine that's making a safe environment for learning," she said. "It's like any other rule, like no talking in class. When you come in the gate, you are scanned. It's just another fact of life."

The metal detectors are manned by four teachers, a security guard and the assistant principal, Hairston said.

All other entrances to the building are locked, she said, so students must go through the detectors. Backpacks, purses and packages also are examined, she said.

She refused to allow a reporter and photographer watch students coming in through the detectors.

Asked how the teen-agers smuggled the gun past the detectors in November, Hairston demurred. "No one has said they smuggled it in. We don't know that. There are a lot of entrances, and they could have come in at night," Hairston said before changing the subject.

Tim Butler, 16, said he believed one youth brought the gun, then asked the other to carry it. A third student alerted school officials.

Butler, a vocational student studying masonry, said he liked school better before the security measures.

"It was better when they didn't search you every day," Butler said. "And with all the video cameras, it feels like you're always being spied on."

Bob O'Brien, spokesman for the state chapter of the American Civil Liberties Union, called the issue "one of the more problematic matters to come up in recent years.

"We don't want our schools

*'Unless there is substantial evidence of children doing things that would destroy the security of the school, it would seem to me this is going overboard.'*

— Bob O'Brien

to be armed fortresses and yet we want our children to be safe," O'Brien said.

O'Brien said he didn't consider the "aberrant behavior" of one youth justification for the security devices.

"Unless there is substantial evidence of children doing things that would destroy the security of the school, it would seem to me this is going overboard," O'Brien said. "This is the wrong atmosphere for an educational institution."

But Ronald Stephens, executive director of the National School Safety Center in Westlake Village, Calif., said security helps students concentrate on academics.

"The kids who aren't bringing the guns to school appreciate the additional measures being taken," Stephens said.

The center was established in 1984 by a mandate from President Reagan to analyze and help decrease violence in schools. It is a partnership of the U.S. Departments of Justice and Education and Pepperdine University.

The Mount View teen-ager who teased the security guard into checking his hat said the security measures don't work. The teen, who did not give his name, showed a photographer a can of Mace and said, "You can get anything past the guards."

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.

# 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 emulate 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

posed to be used.

A nightmare.

We talk a lot about school in my house. Part of the family is a kid in seventh grade. Another part is a junior high teacher. Another part is a newspaper columnist who talks about schools and would like to write more about teachers and schools but can't because there is an obvious conflict there.

But there wasn't a heck of a lot to say at my house about a kid in second grade bringing a gun to school.

"It's just another pressure you have to deal with," the teacher said. "You'd think

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 guns 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 Novaky 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?" Novaky 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, Novaky 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 tinkering.

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 argument: in and again.

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

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

## Second-grader takes loaded gun to school

By DANV ELLIOTT

TIMES WRITER

A second-grader played a dangerous game of hide-and-seek with his father's loaded gun to school and fanned 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 classroom took the gun away from the boy and turned it over to teacher Joey Jiglicich.

Jiglicich, 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. "The 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 serious incidents have taken place against the child, probably some form of suspension.

"It was an extraordinary situation," Christal said.

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

Carol Carpenter, the district's executive director of student services, said the child's parents have been 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.

# Arizona bans young from carrying guns

5/31/93  
FOX SUM

The Associated Press

PHOENIX—The night was filled with the growl of engines and the pounding of music as young drivers cruised a downtown street. Sophia Lopez was worried.

Her son was killed by a teen-ager with a gun, and her 12-year-old daughter was riding beside her now.

"Don't even glance over there; look straight ahead," she told the girl.

As she explained later: "You can't even look at people who are driving next to you because you can't tell when someone's going to shoot at you."

The pleas of people who live in fear of gunfire from young gang members prompted the Arizona Legislature to pass a partial ban on anyone under 18 carrying a gun in public.

Police and residents battling gang violence are glad for help from the state, but some worry that the law signed by the governor April 22 doesn't go far enough.

The law, which makes Arizona the 24th state to enact a young-gun law, said minors without adult supervision can't have guns in public. It has exemptions for 14- to 17-year olds going hunting or target shooting.

The ban applies only to the state's two largest counties, Maricopa and Pima. They cover all of central and southern Arizona and are considered the state's high-crime areas.

Local governments outside the two counties can approve identical bans.

Punishment includes fines up to \$500 and the loss of a driver's license.

Molly McKasson, a Tucson city councilwoman who backed a local teen-gun ban, said the exceptions will make the law hard to enforce.

"What we're scared of is the target practice may be in one of our parks, a shopping center or a school parking lot," she said. "As long as there's an exemption that says a kid can be going to a target place, what can police do?"

That Arizona adopted any gun law surprised some people in this state where the Wild West legacy is strong.

Arizona's law says it's illegal to buy or carry a gun while traveling with a gun for target practice is barred between 10 p.m.

concealed weapon. It's legal to walk down Main Street openly packing a pistol, and while it isn't common sight, there are parts of the state where it doesn't raise many eyebrows.

The law was proposed by Gov. Fife Symington after six local governments in the two counties adopted teen-gun bans last year.

The National Rifle Association tried to challenge the local bans but a state judge rebuffed the group, which is led by Bob Corbin, a former Arizona attorney general. The NRA then helped the Republican governor draft his statewide proposal.

The measure passed by the Legislature lacked one provision of the NRA-supported proposal: allowing minors to carry guns if they had a note from their parents. Corbin said the NRA might seek an amendment to insert that provision in the next session of the Legislature.

The NRA was a reluctant convert, said Dennis Henigan of the Center to Prevent Handgun Violence, a Washington-based group that went to court to help defend the local bans.

"The NRA's first instinct was to strike them down and put the police right back in the position they were before, unable to take these guns away and prevent crime," Henigan said. "Essentially the NRA was shamed into doing something in Arizona."

Supporters of young-gun laws cite a 1992 report in the Journal of the American Medical Association that found gunshot wounds were the second-leading cause of death among high school-age Americans. One-third of high school students have access to handguns and 6 percent bring them to school, according to the study.

When the Arizona law takes effect in mid-July, it will supersede local bans.

Ben Click, assistant police chief in Phoenix, said the city would have preferred more latitude to adopt its own rules but the hunting and target-shooting exceptions wouldn't hamper his officers.

Traveling with a gun for target practice is barred between 10 p.m. and 6 a.m., he noted.

# Revamp juvenile system or give up our streets

by PAUL JENKINS

Alex Felker thinks kids may be changing, getting more malevolent, more violent. He bases that on recent experience with a pack of punks in Spenard who gave him 16 stitches around his right eye, a busted lip, a painful lump on the back of his head, a cut on his forehead and too many bruises and scratches to count.

His offense? He says he had left his job on the North Slope, stopped in Anchorage to buy Christmas gifts for his family in the Bush and went for a walk to a nearby convenience store. He says he was minding his own business. That somehow offended the five juveniles hanging around a convenience store. They cursed him, screamed at him, chased him down in their Subaru Brat.

They did that even after he crossed the road to avoid a confrontation; even after he made it clear he wanted no problems.

They punched and kicked and clubbed the 37-year-old, unemployed emergency medical technician bloody. They beat him to the ground right beside Spenard Road, with traffic whizzing by a few feet away. At least one of them wielded a large flashlight or club in the attack.

If a cab driver had not stopped, Alex Felker might well have gone home in a coffin to his wife and four children at Crooked Creek — a small village in Southwest Alaska on the Kuskokwim River.



Jenkins

"They were really whaling on him," says the cab driver, who asked not to be identified. "He was out on the ground. They really did it to him. He was just covered with blood."

The cab driver says when he saw what was happening and stopped, he inadvertently blocked the assailants' vehicle. Felker and the driver got the Subaru's license tag number, and Felker says he reached into the vehicle and grabbed its keys before his assailants could speed away — getting bashed again on the head and knocked senseless in the process.

"Then the punks did what punks do. They ran away.

"They said, 'We'll get you, too,' as they fled, the cab driver says. "I just can't understand it. Why in the middle of Spenard Road? It was very public."

Felker says he doesn't know why either. "It looked like they were a rowdy bunch,



and they were just looking for someone," he says. "I happened to be that person."

Felker now faces what he estimates will be a \$600 hospital and ambulance bill. He has no medical insurance. He has no job.

But Felker, who says he wouldn't raise his kids in Anchorage on a bet, is lucky. The cab driver is lucky. And most of all, the kids — stupid, invulnerable and sadly mean — are lucky.

They are lucky Mr. Felker was not killed. They are lucky they were not hurt or killed.

And they are lucky we have a juvenile justice system that will protect their identities and never acknowledge that violent kids are as dangerous as violent adults. They are lucky it's a system built on the premise that kids can be rehabilitated, and that it is a system geared to the notion that juveniles cannot commit real crimes.

Make no mistake: what happened to Felker was a crime. His attackers were coldly cruel and violent and malicious, and while they may end up paying some restitution, they never will have to pay the full price for what they did.

As of early this week, only one had been charged with assault. But it's likely, authorities say, the rest also will be charged. That may be all we'll ever know about the case, the system being the way it is.

You have to wonder what makes some kids do things like this, why they go well beyond the bounds of normal teen-age yahoos. You have to wonder why they think almost beating someone to death is acceptable.

We can blame it on television and Hollywood. We can blame it on broken homes or rotten parents or poor nutrition or poor pot-poty training. We can blame it on drugs, alco-

hol, abuse — almost anything. All these things most certainly could play a role. We can find any number of reasons why junior, in his pointed little noggin, finds it necessary to nearly kill someone for fun.

But all that doesn't explain the millions of teen-agers who are good citizens despite those adversities, and more.

Nope, it's time to lay the blame where it belongs. Squarely in junior's lap. He does it because he thinks he'll get away with it, and it's that simple.

\* Junior needs to know, and learn to believe, that violence is unacceptable, that it will not be tolerated, that it will be met with swift, sure justice. Those few need to know early on there is no room in school or on our streets for violent punks. We must make that known without losing sight of the fact that most teen-agers who screw up only need a firm nudge and time to get them back on the right track.

\* With the Legislature about to convene in Juneau, we should start letting our lawmakers know we are dissatisfied, that it's time to change the juvenile system to identify and punish those with violent tendencies.

This time, when five punks thought it would be OK to nearly kill someone, their prey was a guy lucky enough to survive, but it could have been any one of us, or our loved ones. A flat tire, an overheated engine or any other car problem — or just going for a walk — could have put any of us on that street, at that time, in those circumstances. We might not have been so lucky.

We can either start working to fix the system, or give up our streets and neighborhoods to punks.

Paul Jenkins is an editor of The Anchorage Times.

8 JUNEAU EMPIRE, WEDNESDAY, MARCH 11, 1992

# Eight-year-old Chicago student shoots classmate

By DAVID C. HUDD  
and ANGELA BRADBURY

**CHICAGO** — The brand new Sharon Christie Memorial Elementary School received its initiation into the violence that is plaguing Chicago public schools on Tuesday.

An 8-year-old boy shot an 8-year-old girl in their third-grade class, the first time a pupil has been shot in one of the city's elementary schools.

It was a stunning crime involving children who are barely old enough to cross the street by themselves and whom it was thought, it was clear that a watershed had been crossed in the steady encroachment of guns and deadly violence into childhood years.

One day, a boy boasts to his friends that he will bring a gun to school. Sure enough, the next day he packs a semi-automatic pistol in his bookbag, pulls it out in reading class and shoots a girl in the back, according to po-

lice.

The boy has no history of disciplinary problems, principal Luis Peres said, but police said he appeared un-  
fazed by his act.

"I've seen very calm, collected adults, but this kid put them all to shame," said Cmdr. Charles Roberts of the Grand Central Area detective division.

Because of his age, the boy was not taken into custody but was allowed to remain with his parents Tuesday night.

Officials at Children's Memorial Hospital said the girl, Michelle Rodriguez, was in critical but stable condition after doctors removed a bullet from her spine.

Doctors were optimistic about the girl's recovery, said Eric Skidde, assistant director of public affairs at Children's Memorial.

But Skidde would not comment as to whether the girl would require rehabilitative therapy or whether her spine had been so badly damaged to cause paralysis.

Police said Michelle had been shot with a .380 caliber semi-automatic handgun that belonged to someone in the shooter's family, probably an older brother.

Grand Central Area Detective Charles Richbar said police were told by some children at the Northwest Side school that the boy may even have brought a different gun to class on Monday.

Roberts said it was unclear whether any charges would be filed against the boy. Under Illinois law, he is too young to be tried as an adult, but police could request that he be charged as a juvenile delinquent, a spokesman for the Cook County State's Attorney's Office said.

If charged, a court would determine the length of time he would have to remain in the custody of the Illinois Department of Corrections.

It is also possible that if the boy's home life is deemed to be soft or unsafe, he could be removed from his parents and placed in the custody of the Illinois Department of Children and Family Services.

ICF's spokesman Ed McManus said Tuesday night that he is unaware of any request that the agency investigate the boy's home situation.

The shooting occurred shortly before 11 a.m. Tuesday in a class of about 20 children. The teacher had just finished teaching reading to a group of children in the back of the classroom, according to Peres, who refused to name the teacher.

While her back was turned, children clustered at the front of the class, and suddenly the teacher heard "a muffled noise," Peres said. She turned and "saw the child on the floor," he said.

Peres said he originally understood that the gun might have gone off accidentally while in the boy's bookbag.

But Roberts said children had told police that the boy held the gun up and announced he was going to fire it. However, police are not sure if the boy knew the gun was loaded, Roberts said.

# From fistfights to gunfights

For educational excellence to be achieved, schools must be safe and hospitable places for teachers and students. Yet, in an ever-increasing number of our schools, students and teachers are expected to endure violence, fear and intimidation on a daily basis.

Violence within the schools of America has increased dramatically over the past decade and continues to escalate at an alarming rate. Gang encroachment, drug and alcohol abuse, poverty, child abuse and neglect, overcrowded classrooms and lack of parental supervision and discipline have rendered the once "safe harbor" of the classroom a microcosm of today's social ills.

In a case heard by the U.S. Supreme Court, *New Jersey v. T.L.O.*, Justice Powell commented on the growing problem of violence in schools. He wrote:

Without first establishing discipline and maintaining order, teachers cannot begin to educate their students. And apart from education, the school has the obligation to protect pupils from mistreatment by other children, and also to protect teachers themselves from violence by the few students whose conduct in recent years has promoted national concern.

Most people equate school violence with large urban areas such as New York, Chicago or Los Angeles. While there has been ample reporting of the violence plaguing big-city schools, violence has invaded suburban and rural schools with little notice by the national media.

A bill introduced into the House of Representatives of the U.S. Congress (H.R. 4538, "Classroom Safety Act of 1992") summarized the rising tide of violence in America's schools thusly:

- Nearly 3,000,000 crimes occur on or

near school campuses every year;

- One fourth of the major school districts now use metal detectors in an attempt to reduce the number of weapons introduced into the schools by students;
- Twenty percent of teachers in schools have reported being threatened with violence by a student;
- The despair brought on by poverty and disenfranchisement that affects millions of our youth is rapidly entering the schools;
- Schools are being asked to take on responsibilities that society as a whole has neglected, forcing teachers to referee fights rather than teach;
- Teachers are staging walk-outs to protest the violence which denies interested students the opportunity to learn.

Teachers and administrators require special skills to cope with potentially explosive situations and violent students. Yet, they are not receiving these skills in their university preparation programs. The California Legislature, believing that "certificated school personnel often are not prepared effectively in their professional programs to cope with potentially violent situations or with violent youth," amended the California Education Code (California Senate Bill 2460, Green, 1990). The revised code will require the California Commission on Teacher Credentialing (CTC), the state agency that regulates teacher preparation and licensing, to undertake leadership activities directed toward establishing appropriate standards of preparation for teachers and other certificated personnel concerning violent behavior by students.

Anticipating that a requirement for training teachers and principals in handling violence in schools would be forthcoming from the CTC, Pepperdine University began developing a violence

prevention curriculum to be included in the training of future teachers and administrators.

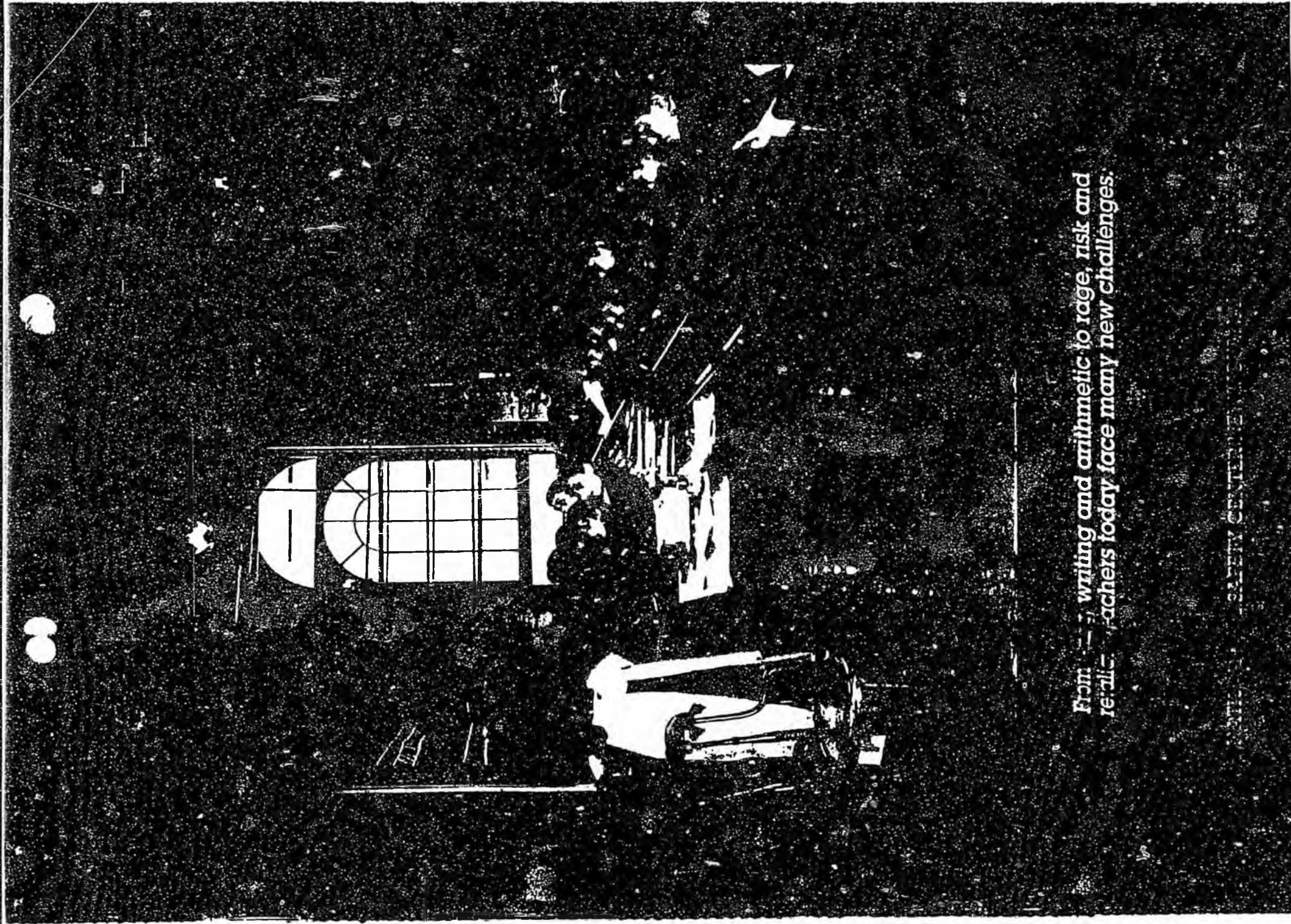
In June of 1992, a grant from the Pacific Telesis Foundation enabled the teacher preparation program to begin developing and field testing a model curriculum for creating a safe school environment. The model curriculum will be designed to be presented in an applied, hands-on, interactive mode. The training will focus on skills that teachers need to maintain a safe, secure and welcoming school climate. The curriculum will also address skills teachers need to help build confidence, self-esteem and pride in their students — attitudes crucial to creating and maintaining a positive and cohesive campus climate.

In addition to the faculty of Pepperdine's Graduate School of Education and Psychology, curriculum developers will draw upon the resources of the Pepperdine School of Law and the National School Safety Center, a resource center administered by Pepperdine University and funded by the U.S. Departments of Education and Justice.

The model curriculum will be field tested with the teachers at Broadway Elementary School in the Los Angeles Unified School District, a partnership school with Pepperdine University. Broadway School serves a diverse student population in an area plagued with social problems. Poverty, crime and racial tension severely inhibit the instructional process. In the past year, two parents of Broadway students have been killed in gang-related incidents.

After further development and field testing, the model curriculum will be made available to other universities for use in teacher and administrator preparation programs. The target date for completion of the model curriculum is January 1, 1993.

*H. Woodrow Hughes, Ph.D., is the Associate Dean for Education in the Graduate School of Education and Psychology, Pepperdine University.*



From writing and arithmetic to rage, risk and reality, teachers today face many new challenges.

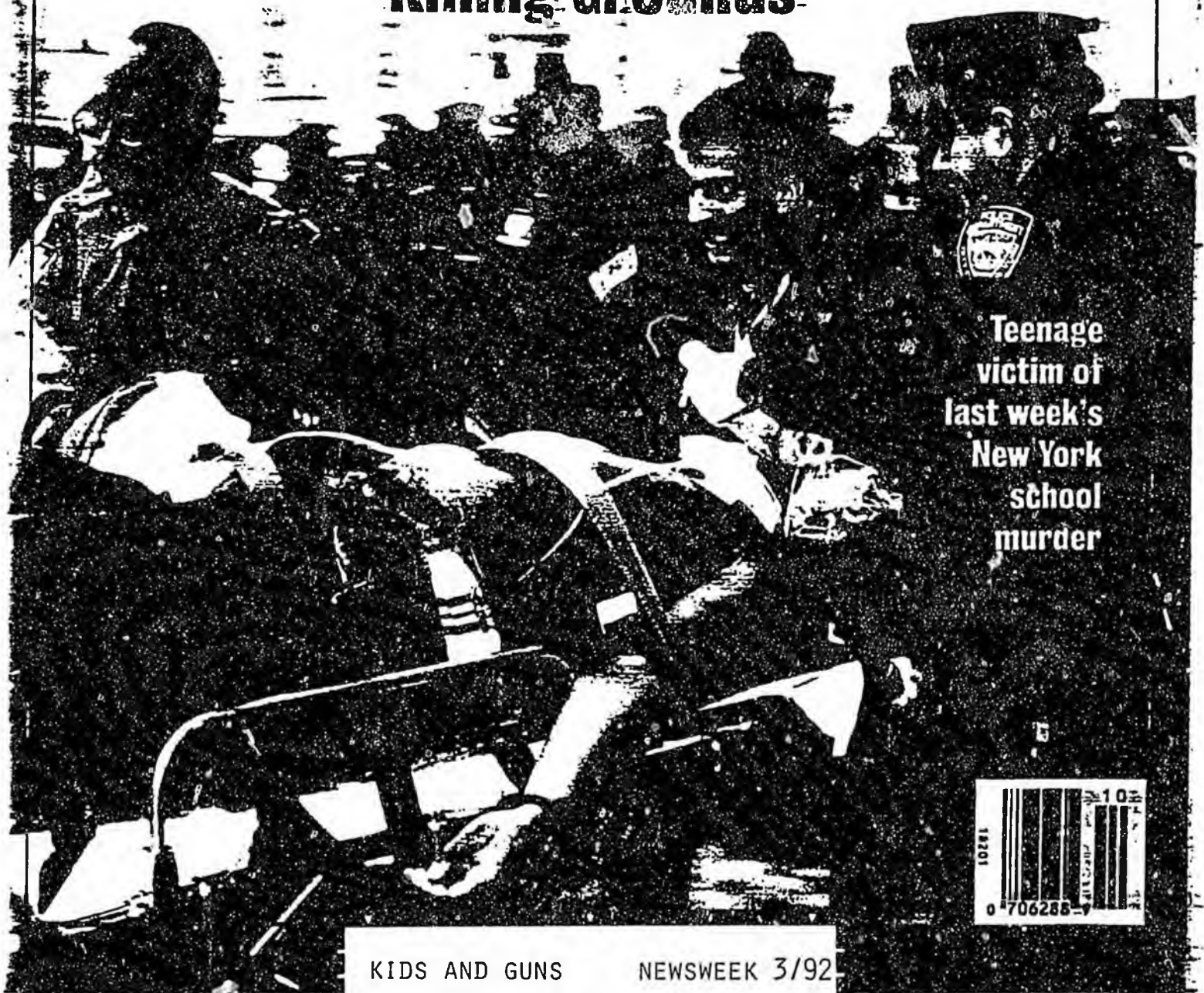
SAFETY CENTER

**GETTING NASTY**  
The Politics of Super Tuesday

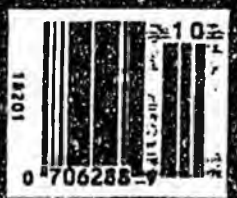
# Newsweek

## Kids and Guns

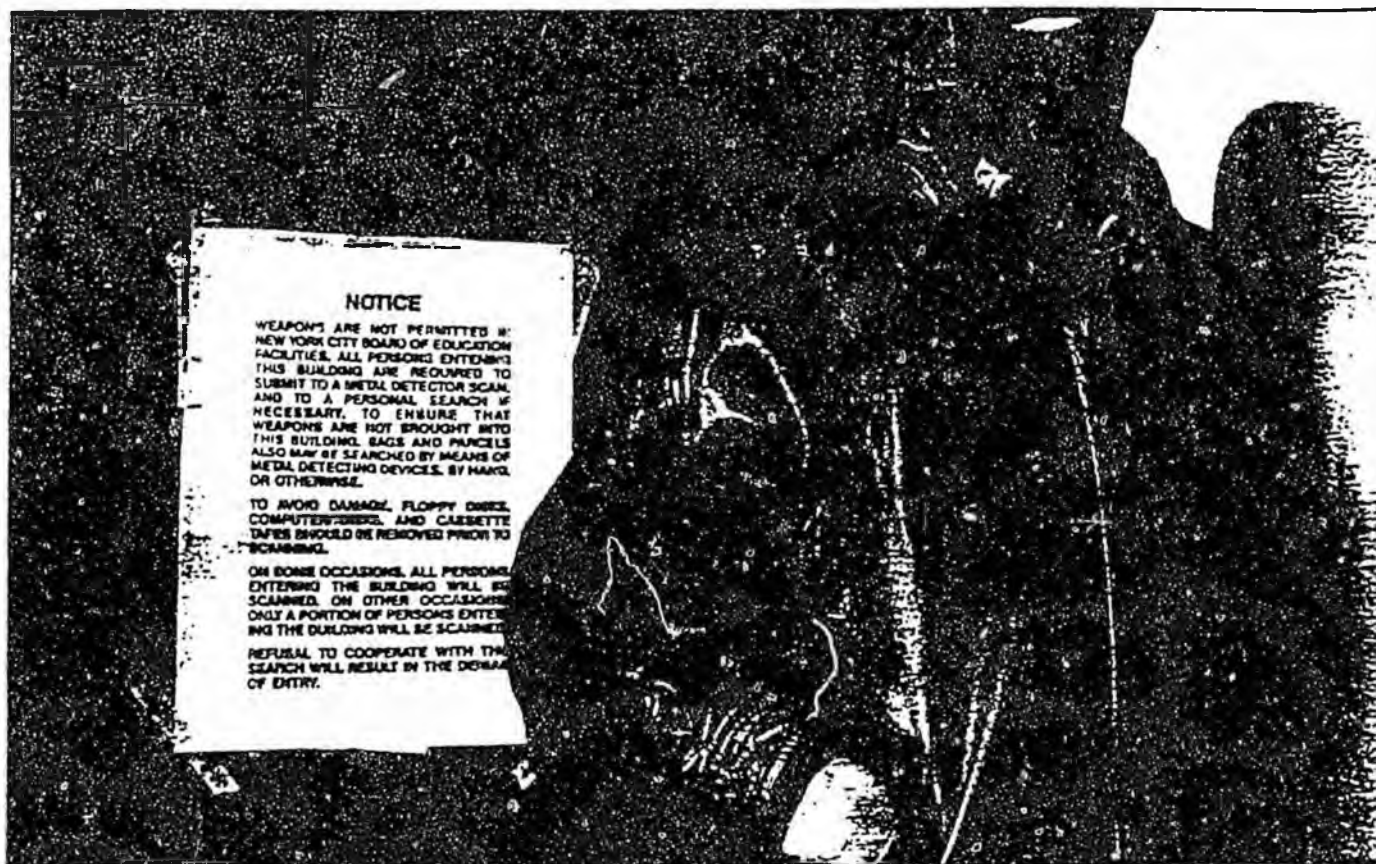
**A Report From America's Classroom  
Killing Grounds**



Teenage  
victim of  
last week's  
New York  
school  
murder



# DEADLY LES



CHESTER HIGGINS JR.—NEW YORK TIMES

BY ROD NORDLAND

**F**rom the outside, Thomas Jefferson High School in Brooklyn is an inner-city fortress—a four-story pile of faded brick with security screens on the windows and steel plate on the doors. Guns are as familiar as book bags to the kids inside. "If you had the money, you could get yourself a 'tool' in 15 minutes," says Nicole Solomon, a 15-year-old sophomore. "I would say, out of 100 kids, 90 got guns or can get them. I had a weapon myself when I first went in there." Glenn Kirkland, now a city police officer assigned to the school, attended "Jeff" a decade ago. "Back then we used to duke it out," he says. "Now you hear these guys: 'Hey, you stole my girlfriend, boom!' Then his friends say, 'Hey, you shot my friend,

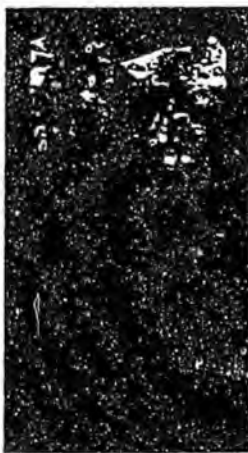
boom!' Pretty soon it's boom, boom, boom!" The cop knew his beat: across the country, kids with guns are becoming small angels of death, transforming dead-end streets and tough-luck schools into free-fire zones.

"Our last place of safety is the school," says Carol A. Beck, Jeff's embattled principal. "Next to Mother's arms, that should be the safest place." No longer. Drug gangs have put more guns on the street than ever before. But many kids who aren't otherwise criminals are suddenly reaching for their equalizers. And guns have become the leading cause of death among older teenage boys—white and black—in America.

No school has felt the pain more than Jefferson High-

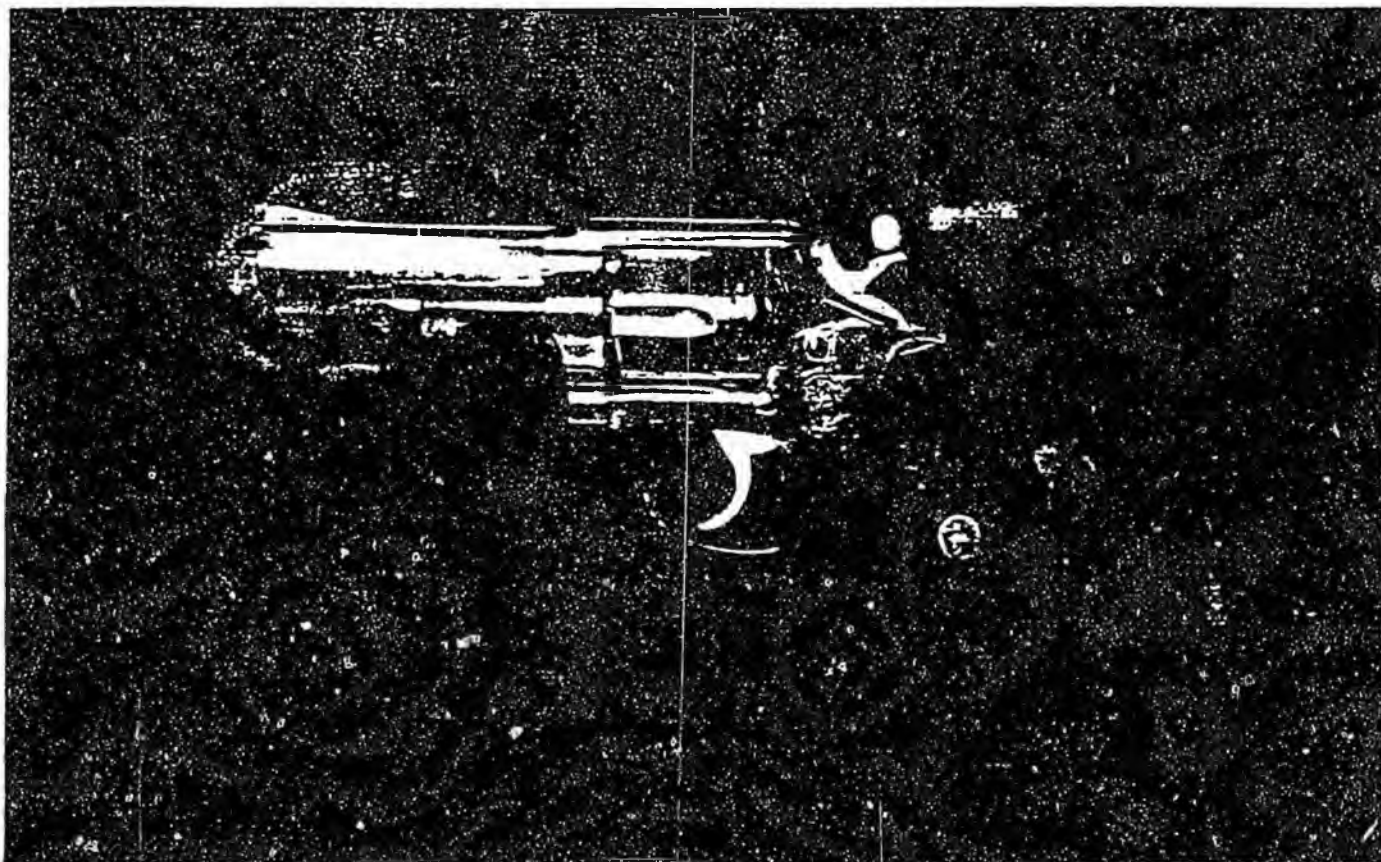
Last week New York's Mayor David N. Dinkins booked a stop to show the flag and give a speech. The same day, Khalil Sumpster, 15, allegedly smuggled in a chrome-plated .38-caliber Smith & Wesson revolv-

er. Police say he had murder on his mind and two bullets in his gun, and that Sumpster was going after Tyrone Sinkler, 16, and his inseparable buddy, Ian Moore, 17. Sumpster and Sinkler had been partners in a botched mugging last spring. Sinkler did time, Sumpster got probation, and they had been fighting about it ever since. "He called me a rat," Sumpster told the police. He thought Sinkler meant to kill him and he decided to strike first. "He indicated it was kill or be



# SONS

Kids with guns are setting off an arms race of their own across the country—as a double murder in a New York high school showed. Are schools doomed to become free-fire zones?



MICHAEL A. ACH—NEWSPHOTO

killed," said Detective Sgt. Michael Race.

With cinematic timing, the bang-bang-you're-dead fantasy turned into bloody reality. The morning of the shooting, Moore's mother, Linda, rustled him out of bed and pointed him toward school. He'd been up late watching the Grammys on TV. Sinkler hit his father for 60 cents because he needed lunch money. Sumpter arrived late. He was well known to school cops as a "hallwalker," a kid more interested in hanging out than sitting in class. When the bell rang at the end of first period, Moore and Sinkler stepped into the hallway together, where Sumpter was waiting. "He just pulled the gun and started shooting," eyewitness Rafael Montalvo, 15, told Newsday. "Wasn't no words said, no hands thrown—just bullets hitting." David Lerner, a teacher on duty as a hall monitor, pushed through the screaming kids and looked down at the victims. "The officer

At Jefferson High, a sign next to the metal detector warns students about spot checks for weapons, a police officer displays the handgun used in the shooting

was already pressing his finger against their necks," he recalled.

A hundred students, some weeping, some numb, gathered in the school's six "grieving rooms," struggling to cope with what they had seen: Sinkler in convulsions bleeding from the head, Moore lying still, shot through the heart. "It's sad to go to school like this," said Marvin McLaurin, 16. "It makes you feel like an animal." Marlon Smith, a 16-year-old friend of the victims, left for home in hysterics. He later phoned a friend, who heard a clicking sound over the line and asked what it was. "I'm playing Russian roulette," Smith replied. Then he pulled the trigger again and killed himself. Sinkler's anguished father threatened to sue the city. "Why in the world was there

a gun in school?" he said. "Now my son's in the morgue over some bulljive."

The shootings added three more bodies to an awful calculation: kids with guns have set off their own kind of arms race. The latest murders made it New York City's bloodiest school year ever, with 56 shooting incidents in and around schools. In all, 5 teachers, 1 cop, 2 parents and 16 students have been shot—6 of the kids fatally. "These children are children of war," Beck says. "They worry that in the blink of an eye they could be killed—this is a reality—and they think they have to protect themselves." A kid can now be "carrying" for as little as \$25. In Brooklyn they even have rent-a-guns. Says Beck. "You could find a gun in this neighborhood faster than you could find a copy of NEWSWEEK."

Sumpter's gun was stolen, "used" in street talk, so it wasn't too expensive. Other tools cost plenty. Last November a furious



Before the gunplay, a snapshot of Moore in chaos; after the murder, a glimpse of his girlfriend Scherronka Smith in tears



JONATHAN FINE—NEWSDAY

argument over a book bag led a 14-year-old at Jefferson High to whip out his "nine," a 9-mm semiautomatic pistol that can cost as much as \$1,000. He fired wildly down a crowded hallway at Jefferson High. The fusillade killed Darrell Sharpe, 16, and wounded teacher Robert Anderson in the neck. Both were innocent bystanders.

The larger tragedy was Jefferson High had far more to offer than the way of the gun and an early grave. If the measure of a good school is how well it helps its students rise above their limitations, Jefferson High was exemplary. The East New York neighborhood runs to public-housing projects and vacant lots, glass-strewn streets under elevated subways. On cul-de-sacs outside abandoned houses, young men stake out turf. When strangers approach, they thrust their hands deep in their pockets or under their jackets, a signal every boy in the 'hood, along with every man, woman and child, understands.

**Safe haven:** By comparison, Jeff seemed to promise at least the illusion of a safe haven. Step inside, pass the metal detectors and the security detail, and you were in another world. The floors were clean, the brightly painted walls were decked with quotations from the Rev. Martin Luther King Jr. and Nelson Mandela, and posters exhorting kids to get their diplomas (DON'T LEAVE SCHOOL WITHOUT IT). A remarkable number didn't. Most students are black or Hispanic, with a smattering from 27 foreign countries. Last school year, 81 percent applied to college—from a high school in an urban wasteland.

Principal Beck relished a good fight. Two weeks before the shooting, she suffered a heart attack—but it didn't slow her down. With school officials and students swirling around her last week, she was on the telephone telling a caller, "I'm pissed because I can't go kick butt and solve this." Someone thrust a fistful of pills at her, insisting she take them before another distraction could come up. Some

were for her ulcer, others for her heart. "It's nothing," she said. "If I couldn't stand the heat, I'd get out of the kitchen."

**Role model:** When Beck took over in 1987, Jeff was a school with an illustrious past, a lousy present and no future. Only one in four ninth graders was staying on to earn diplomas. Earlier waves of immigrant East New Yorkers—Italians, Irish and Jewish—had filled Jeff's roster with celebrities, among them Shelley Winters, Steve Lawrence and Danny Kaye. Beck brought some of them back to meet the students. When H. Donald Gelber, another alumnus, was sworn in as U.S. ambassador to Mali last year, the principal bused many of the students to the ceremony at the United Nations. "What I have done, you can do," he told them. Beyond offering role models, the principal threw her own office door open to students, working late in the evenings, partly so that kids would have a place to stay off the streets. "Some of them would rather be here than in their own homes," said Helen Baker, a teacher. Beck recruited a staff that was fiercely loyal to her and to the students. The Reader's Digest gave her one of its American Heroes in Education Awards in 1991, donating a \$10,000 prize to the school.

In the end, she was outgunned. For a while, she was able to cut the crime rate in half by banning gold chains and door-knocker earrings. But over the past year, Jefferson High has seen four stabbings among 35 reported crimes. Beck took a survey and found that half her students had puncture wounds of some kind. On any given day, a fourth of them were absent, hanging on the corners or hustling drugs. Many were too scared to come to class. No wonder. Since December, spot searches have turned up 121 weapons.

Jefferson could excel, but it couldn't escape. Perhaps it was naive for anyone to expect it to. "What really gets people is that this happened in a school," says Beck. After last fall's shooting, the city made Jeff one of 21 "metal-detector schools," but there were only enough funds to spot-check for weapons once a week. Last week, that check was on Tuesday. The shooting was on Wednesday. Now there will be metal detectors every day. Too late for Moore and Sinkler. Turning things around, says teacher Lerner, is "like trying to throw bricks into the Grand Canyon to fill it." And it takes a lot more than bricks to fight guns. ■

## No Respite From the Violence

It is already New York City's bloodiest school year ever, with 58 shooting incidents in and around schools. Some of them:

- 10/7/91, PS 309, Brooklyn: Parent shot in back by pellet or BB gun.
- 10/8/91, James Monroe High School, the Bronx: Student, 17, shot and killed.
- 10/8/91, IS 115, the Bronx: 14-year-old shot in stomach.
- 10/29/91, PS 178, the Bronx: Student shot in legs.
- 11/1/91, Westinghouse High School, Brooklyn: Student, 19, shot in back by gang of armed intruders in school hallway.
- 11/18/91, Brooklyn Alternative High School: Teacher shot in left arm on street.
- 11/21/91, McKee High School, Curtis High School, Staten Island: A student shot three students, killing one 18-year-old.
- 11/25/91, Thomas Jefferson High School, Brooklyn: Student, 16, killed and teacher wounded in hall.
- 1/21/92, IS 324, Brooklyn: Police officer shot on street by student.
- 1/30/92, IS 48, Brooklyn: Two students (13 and 11) wounded when another student fired into playground.

SOURCE: UNITED FEDERATION OF TEACHERS



BOB MACE—FLORIDA TIMES-UNION

Reading, writing and marksmanship? An embattled security unit in Florida uses a sensitive metal detector to frisk students for concealed weapons

# It's Not Just New York . . .

## Big cities, small towns: more and more guns in younger and younger hands

**T**ragedy came to Crosby, Texas, over breakfast in the high-school cafeteria. The victim was Arthur Jack, 17, captain of the varsity football team, and the day was Sept. 18, 1991. According to witnesses, Jack was helping himself to orange juice in the serving line when he heard someone say, "You called me a bitch." He looked up to see another student, identified by police as La-Keeta Cadoree, 15, pointing a .38-caliber revolver. Jack tried to take cover but the shooter was too quick: hit in the back by a bullet that traveled upward to pierce his heart, he died on the floor behind the serving counter. Because Crosby (population: 1,811) is a quiet little town on the outer fringe of the Houston metro area, the incident made big news for weeks. "When I heard it happened, I didn't want to believe it," Arthur Jack's father said. "It was like, 'This only happens in the city—Chicago or New York or something.'"

The truth, sadly, is otherwise. Gun violence is on the rise in schools all over America, and the nation's children are trapped in its path. According to the federal Centers for Disease Control, one student in five reports carrying a weapon of some type and about one student in 20, or 5.3 percent, reports carrying a gun. The number of young Americans killed by firearms each year more than doubled, from 1,059 to 2,162, between 1970 and 1990, and homicide is now the leading cause of death

among black males under the age of 35. There are no national statistics on the number of shootings and gun-related incidents in schools. But the anecdotal evidence is compelling: kids, even fourth and fifth graders, are arming themselves, and teachers and school officials are running scared. "You think it's a bunch of bad kids [who] are carrying the guns, but it's not," says Paul Kingery, director of health promotion at Texas A&M University in College Station, Texas. "The kids are the victims of violence, and the schools are not creating safe environments. Law enforcement is not adequately involved."

The root causes of this bizarre and lethal trend include all the usual demons of American society—the easy availability of guns, the rise of drug-related crime, parental irresponsibility and so on. As always, educators contend that public schools merely mirror the broader trends in society—and if guns, drugs and violent crime are on the increase, they say, schools will be affected, too. Rightly or wrongly, most school officials cling to the ideal of schools as friendly, open and noncoercive institutions, and few favor the kind of draconian security measures that would be needed



to eliminate guns entirely. "The school setting is almost impossible to police without tyrannical dictatorship," says Mark Karlin, president of the Illinois Council Against Handgun Violence. "At what point do we create such a hostile environment that these are no longer schools?" The schools, Karlin says, "are in an impossible situation . . . we expect them to do what the rest of us cannot."

But no one doubts that the impact of guns and gun violence is very large. Fully a

quarter of the nation's large urban school districts now use metal detectors to search for weapons carried by students, and teachers and parents are joining forces to make school safety a major issue. A shooting at Castlemont High School in Oakland, Calif., sparked a teacher walkout last fall—and in Washington, D.C., last week, parents and teachers joined in protest after a 13-year-old boy was allowed to return to Noyes Elementary School after being arrested for carrying a gun. "Teachers are much more fearful in the middle schools and upper elementary grades—fifth and sixth grades—than they ever were before," says Bill Martin, a spokesman for the National Education Association. "It's not an issue [that is] centered on the large cities any-



JOHN MAXKLY—HOUSTON POST

Taking offense—then taking law: Police lead Cadoree off to stand trial as an adult for killing a football hero

more." Texas A&M's Kingery, whose research shows an alarming rise in the number of children who carry guns in rural Texas schools, agrees. "It's a myth that rural schools are safe havens from the problem," Kingery says. "All the people who are taking their kids out of urban school, and moving to rural areas are living on false hope."

But big-city schools are still the primary battleground. In city after city—from New York to Los Angeles and everywhere in between—schools are struggling to protect their children from the violence all around them. Metal detectors, locker shakedowns and armed police patrols are now taken for granted in many big-city high schools. Teachers are learning a new kind of civil-defense drill—hitting the dirt when gunfire erupts. It did at Fulton Junior High School in Van Nuys, Calif., just last week. As kids ran for cover, a lone gunman opened fire across the school playground, wounding two students in the legs. When the incident was over, the faculty prepared to comfort a school full of frightened students. But, says assistant principal Jean Yearout, the Fulton kids "were very calm. There's so much violence on TV and in the community that many kids expected this kind of thing." "Our kids hit the ground if they hear gunfire," says Wesley Mitchell, chief of police for the Los Angeles Unified School District. "That's what they do at home."

Or consider Clarence Notree's close encounter with gang violence. Notree, 44, is a veteran instructor in the Chicago school district's after-school activities programs for inner-city kids. He was running a basketball clinic at Woodson North Elementary School last Sept. 17 when a car pulled up outside the school. A young man, probably a gang member, came into the gym and wordlessly opened fire with a 9-mm handgun. Kids scattered everywhere—into the hall, into the girls' gym—and Notree, acting on instinct, spread out his arms to protect as many of the children as possible. After firing 12 rounds, the gunman walked out the door, got back into his car and made a successful getaway.

Miraculously, Clarence Notree was the

only casualty that day—he took a bullet through the right wrist and missed 13 days on the job. Now he's back at Woodson North. "I try to keep as many kids as busy as I can with as many activities as I can," he says. "It's calm here, but it's always in the back of your mind: it could happen again." The kids, on the other hand, seem to have forgotten all about it. "These kids see a lot of death. They don't get much chance at childhood," Notree says. "When I was growing up, we used our fists. These kids have guns. The respect for life is nothing."

Cops and school officials say very few guns are actually obtained in school. Instead, according to experts like Ronald D. Stephens, executive director of the National School Safety Center in Westlake Village, Calif., 80 to 90 percent of the guns that wind up being seized by school officials come from the home. They are usually the parents' guns, and that fact has led some states to impose new restrictions on gun ownership. California, for example, now makes parents criminally responsible for shootings involving their children.

**Teacher hostage:** A terrifying incident in Dalton, Ga., last week has helped fuel a similar effort in the Georgia Legislature. In the Dalton case, a 13-year-old boy came to school with a loaded .22-caliber rifle and took his teacher hostage in a classroom at Valley Point Middle School. Principal Nick Ownbey went to the classroom and confronted the boy, who finally handed over the rifle. The boy, whose name was not released by authorities, was charged with aggravated assault and false imprisonment. The Georgia version of a parental-responsibility bill has already passed the House of Delegates, though its prospects in the Senate are uncertain.

But few families in Georgia or anywhere else seem ready to do what it takes to stop the kiddie arms race. The days of zip guns and Saturday-night specials are over.

These days, teenagers routinely pack top-of-the-line weapons like .357 magnums, 9-mm semi-automatics and even Uzi assault rifles. "I have friends who are proud they've taught their children gun safety and marksmanship," says George Sams, director of safety and security for Chicago public schools. "It doesn't occur to them that when the kid runs into difficulty, he'll remember where that weapon is." Sams also sees street gangs as a major source of weapons used by kids. "We find these kids with these beautiful Uzis and .357s," he says. "Good weapons are expensive and the drug money is fast. Parents say they never noticed that their son was wearing \$150

## Trigger-Happy High School

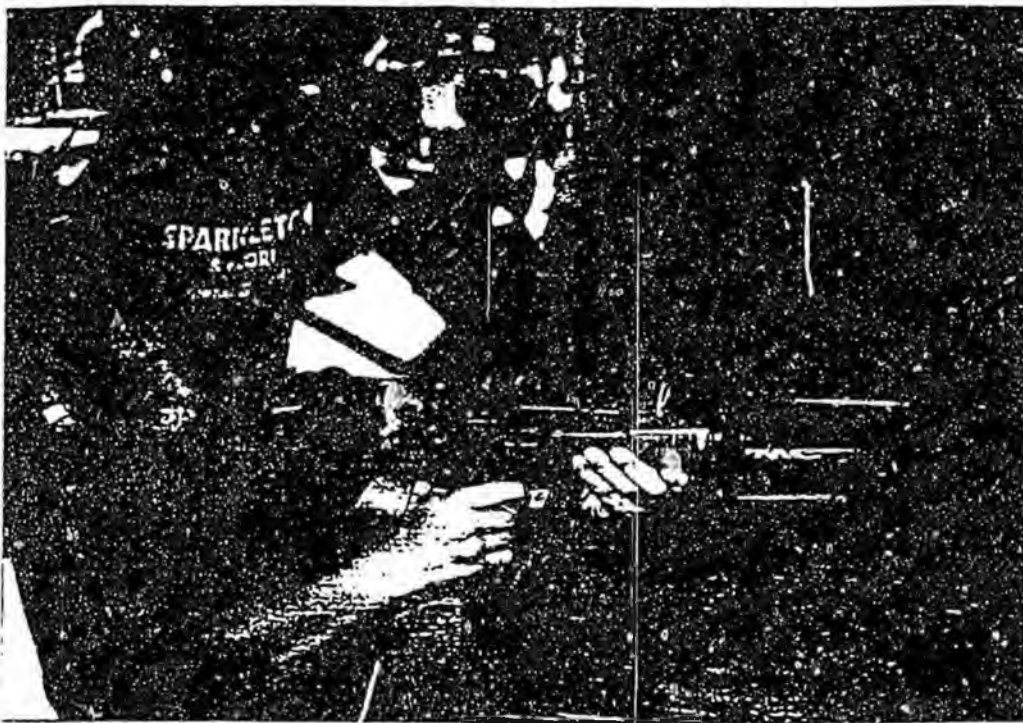
■ According to the National Crime Survey, almost 3 million crimes occur on or near school campuses every year—16,000 per school day, or one every 6 seconds.

■ One fourth of major urban school districts now use metal detectors.

■ Almost one third of the students in 31 high schools in Illinois said they had brought a weapon to school for self-protection at some time during their high-school career. One in 20, or 5.3 percent, said they had brought a gun.

■ In California in the 1988-89 school year, assaults were up 16 percent, to 69,191. Armed assaults were up 25 percent over the previous year, to 1,830.

SOURCE: DONALD D. STEPHENS, NATIONAL SCHOOL SAFETY CENTER



RICHARDS—GAMMA-LIAISON

High-powered lessons: Teaching the rules of gun safety on a shooting range in southern Florida

sneakers and riding a new motorcycle. I spent a lot of years in homicide. Parents will tell you, 'I never knew he was in a gang' all the way to the morgue."

What is going on in many big-city schools today is a perverse and deadly sort of trickle-down effect. Older kids—the boys, anyway—flaunt guns and their membership in gangs as marks of status. Younger kids get guns, too—sometimes to emulate the gang-bangers, sometimes just to keep from being beaten up or shaken down for their lunch money. These kids finally join gangs, says John Cochran, a Los Angeles youth counselor. "When they get tired of being beaten up. Then they have a gun in their hand. They kill their first person, and that's it. It's glamorous and it's powerful." The threat of

violent crime is very real to millions of American schoolchildren. A national survey conducted by the U.S. Bureau of Justice Statistics last year showed, for instance, that more than 400,000 students between the ages of 12 and 19 say they have been the victims of violent crime, and that younger children are more likely to report victimization than older teens.

**Close range:** Take, for example, the kids at Parme Lee Elementary School in downtown Los Angeles. Parme Lee is a school where kids like Kristal, who is 10, see crack deals at very close range. "They sell drugs and they try to get the hookers to buy them," Kristal

says, pointing to a building across the street. "Two boys named Slamp and Juj died there." Another Parme Lee student, Dontay McDay, says she doesn't like to play outside her house. "I'm scared because a lot of gang members go by my house. I see police a lot," she says. And Eric, a fourth grader, says he doesn't like to talk about the violence in the neighborhood. Why not? "The gangs might hear you," Eric says.

The obvious question, for anyone who cares about children, is what all this is doing to the kids. Mental-health experts are increasingly concerned about the psychological impact of ceaseless violence on city kids. Children, they say, are durable and resilient, and the effect of violent drama on television is usually overstated. But

today, millions of young Americans are routinely confronted with real-life violence—in the home, in the neighborhood and sometimes in the school. A survey conducted last summer by the University of Alabama at Birmingham shows, for example, that 43 percent of a sample of inner-city children age 7 to 19 say they have actually witnessed a homicide. To UAB sociologist Kevin Richardson, such findings suggest an epidemic of posttraumatic stress syndrome. Posttraumatic stress, he says, "has significant developmental implications for these children" if only because it takes energy and will to keep the nightmares away. "They see it every day, and they try not to let it affect them too much," Richardson says. "But we know for a fact that it's affecting them."

**Sneaker murder:** The end result—or one of them, anyway—is a generation of street-wise, battle-hardened kids who are desensitized to violence and grief. Kids who have seen everything—kids like the survivors of civil war in Lebanon and Northern Ireland. How else to explain Kenyatta Miles of Philadelphia, who was sentenced to death last week for shooting another boy for his sneakers? "It still ain't going to bring him back," Miles taunted the boy's family when his sentence was announced. And how else to explain the fact that authorities in Monterey, Calif., uncovered what appeared to be a plot by 11 junior-high-school students to shoot a classmate to death? The murder, fortunately, never took place—but two 13-year-olds and a 14-year-old accomplice have pleaded guilty to conspiracy to commit manslaughter. Authorities still aren't sure why they did it.

What all this says to people like Les Burton, chief of police for the Houston Independent School District, is that it is finally time to restrict the availability of handguns nationwide. But there is little sign of a breakthrough in the long impasse over handgun control, and war-weary observers like Rita Walters, a Los Angeles city councilwoman, are pessimistic that effective legislation can be passed. Meanwhile, as she says, gun violence continues at a level that can only suggest a national character flaw. And if that is what it is—the American disease—it can be no surprise our children have it, too.

TOM MORGANTHAU with PETER ANNIW in Houston, JOHN MCCORMICK in Chicago, PAT WINGERT in Washington, DONNA FOGTE in Los Angeles, HOWARD MANLY in Atlanta, PATRICIA KING in San Francisco and bureau reports

## Life on the Front Line

■ "Fire drill" doesn't mean what it used to. Oakland and Los Angeles, Calif., and even towns like Cokeville, Wyo., have drills to teach youngsters to hit the floor when they hear gunfire.

■ An Illinois study showed that one in 12 public high-school students reported being the victim of a physical attack in school or on the way to school. One in 12 also said he'd stayed home from school one or more days out of fear.

■ Teachers, too, are worried. A 1990 survey found that 20 percent had been threatened.

SOURCE: RONALD D. STEPHENS, NATIONAL SCHOOL SAFETY CENTER

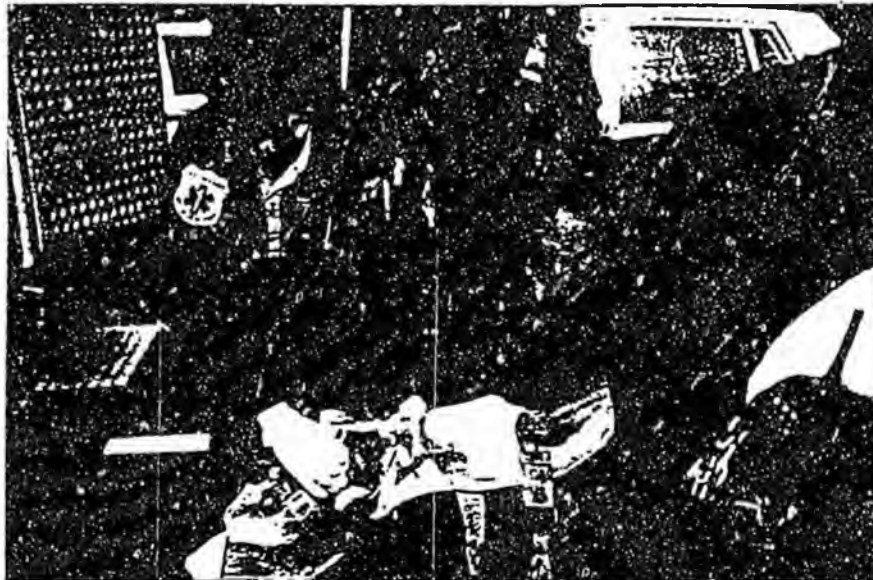
# How to Keep Kids Safe

## Teachers, principals and parents can help

**S**chool violence has become a dismal fact of life, yet many educators continue to respond with not-in-my-schoolyard denial. Not George Sams, an ex cop who in June 1990 became director of safety and security for Chicago's 410,000 public-school students. With his former police comrades, Sams launched a program called SAFE: Schools Are For

act on the less stringent standard of reasonable suspicion. In Chicago, once a guard's suspicions prove on target, a police officer can make the arrest.

Legality aside, many school-safety experts worry about turning campuses into armed camps. Arguably, the message search-and-seize tactics convey to kids is: don't get caught. Instead, many educa-



KEN MURRAY

A frightening fact of life: One of the victims of last week's double murder in New York

Education. Since the program began, he says, there hasn't been a single shooting in the district during school hours.

Operation SAFE hasn't cleared all the guns out of Chicago's schools, but its success has intrigued other districts. Nearly a quarter of all major urban high schools now use metal detectors; what's different in Chicago is the surprise factor. The district moves its three walk-through detectors from school to school on a random basis. "A lot of school districts want to put detectors in every school and use them every day," says Sams. "It won't work. If kids know they have to pass through a metal detector, they'll get the guns into schools through windows or back doors." Another key component is cooperation between city cops (150 of them paid for by the district to patrol Chicago's 70 public high schools) and 412 unarmed security officers. While as a rule police searches require probable cause, in school settings authorities can

tors believe schools won't be safe unless they can find a way to instill basic values of right and wrong, and teach young people to respect themselves and others. Some of the best proposals from the nation's experts:

### ■ Teach the teachers:

Teacher training needs to prepare instructors to deal with disruptive students and to break up fights—before they escalate into murder. The National School Safety Center (NSSC) has developed a training program in crisis prevention, management and resolution. Too many teachers come to class unprepared—like the one who told NSSC executive director Ronald D. Stephens, "I got my training the day the kids pointed the gun at my face."

■ Teach the children: Schools need to

identify fight-prone kids when they're young and introduce them to nonviolent alternatives. Schools can help by offering peer mediation, clear-cut standards for behavior and consistent discipline. But the lessons have to begin at home. Researchers believe that children who witness violent altercations among parents are likely to use weapons themselves. In certain communities, such violence is far from rare. In a study published in 1990, Chicago psychiatrist Carl Bell found that 74 percent of the 1,000 inner-city schoolchildren screened had witnessed a killing, stabbing, shooting or robbery.

■ Get involved: Schools need more adults on campus to provide supervision. Paul Kingery, director of health promotion at Texas A&M University, believes principals should have parents conduct "safety watches," especially at tense events such as football games. Businesses can help by giving time off for employees who want to participate in school programs. And parents should pay attention to signs their kids may be hanging out with a bad crowd—if teens suddenly have a lot of cash to throw around, for example.

■ Keep weapons away from kids: An estimated 80 to 90 percent of gun-toting kids get their firearms at home. Les Burton, a man whose job as chief of police for Houston's schools is itself a sign of the times, believes communities should conduct programs to teach parents how to handle and store their guns. Several states, including California, Iowa, Connecticut and Florida, now have laws that make adults responsible for crimes committed

by children wielding their weapons. But while it's important to keep firearms away from kids, forbidding toy guns might actually backfire. Children need to discharge their aggressive feelings, not bottle them up. "Shooting games provide outlets for accumulated frustrations and thus are apt to reduce them," wrote child psychologist Bruno Bettelheim.

■ In the meantime, be ready to duck: Cities like Oakland and Los Angeles, and even small towns such as Coke-

ville, Wyo., have started DBS (drive-by shooting) drills and "drop drills," teaching kids how to hit the floor when gunfire breaks out. It's a sad day when DBS replaces the ABCs, but for too many kids, the No. 1 lesson is staying alive.

ELOISE SALMONS with  
BARBARA KANTROWITZ in New York,  
JOHN MCCORMICK in Chicago and bureau reports

HB

418

(9)

Date Referred: January 31, 1994

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 2/17/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 418

HOUSE BILL NO. 418

EXTEND BOARD OF PAROLE

"An Act extending the termination date of the Board of Parole; and providing for an effective date."

RECOMMENDATIONS:

be replaced with \_\_\_\_\_  the same title

have attached amendments(s)  a new title

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note Corrections

zero fiscal note(s) \_\_\_\_\_

SIGNING	DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>		✓				
<i>[Signature]</i>		✓				
<i>[Signature]</i>		✓				
<i>[Signature]</i>		✓				
<i>[Signature]</i>		✓				

*[Signature]*  
CHAIRMAN'S SIGNATURE

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 418

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act extending the Parole Board BRU: Admin/Support  
 Component: Parole Board  
 Sponsor: Rep. B. Davis  
 Requestor: House HESS COMPONENT SERIAL NO. 695

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

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

The Parole Board is contained in the department's proposed FY95 budget.

Prepared by: Diane Schenker, Special Assistant *D. Schenker* Phone: 465-4643/786-2147  
 Division: Office of the Commissioner Date: 2/18/94  
 Approved by Commissioner: J. Frank Prewitt, Jr. *J. Prewitt* Date: 2/18/94  
 Agency: Department of Corrections

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Cap Bill



Alaska State Legislature  
House of Representatives  
COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

DATE: 2/11/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
\* HB 299: DRIVER'S LICENSE REVOCATION; Alcohol/Drugs  
\* HB 417: POSSESSION OF FIREARMS IN SCHOOL LOCKERS  
\* HB 418: EXTEND BOARD OF PAROLE  
\* INDICATES FIRST PUBLIC HEARING

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/WHICH BILL?
Jan A Russell	JDHS	William [unclear]		740-2646		(Y) N	299
Kai Morrison	TDHS	Concerned Parent Sitka HB417		586-2883		(Y) N	299
Alisha Heck	JDHS			789-5120		(Y) N	299
Jesse Gemell	JDHS			586-9016		(Y) N	299
Vernon Marshall		NEA-AK				(Y) N	417-299
M.C. Olson	Member AARP (S) Anchorage, AK	1032 W. 11th		272-915		Y (N)	-
JAMIE MARKS	NEA/T					(Y) N	299
Margot Knuth	Law-Coin				3428	(Y) N	HB 299 HB 417
Terrie Goss	KIDPAC				3-6744	(Y) N	HB 417 - I have CJ app at 4:15 so [unclear]
						Y N	
						Y N	



Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: 2/6/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
						Y	N	
Richard Collins	PAROLE BOARD	Box 112000 Juneau AK.	99811		465-3384	Y	N	HB 418
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

# ALASKA STATE LEGISLATURE

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FAX: (907) 561-1691

STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-3875  
FAX: (907) 465-2294



MINORITY WHIP  
CHAIR  
CHILDREN'S CAUCUS  
HEALTH, EDUCATION  
& SOCIAL SERVICES  
STATE AFFAIRS  
ECONOMIC TASK  
FORCE

## REPRESENTATIVE BETTYE DAVIS DISTRICT 21

### SPONSOR STATEMENT HE 418 - EXTENDING THE BOARD OF PAROLE

HB 418 would extend the Board of Parole for the customary four-year period under A.S. 44.66.010(c). Under current law, and without passage of this legislation, the Board is scheduled to sunset on June 30, 1994.

The State Board of Parole was created in 1960 and has been an essential component of Alaska's criminal justice system. There are currently 70 felons on parole supervision. Each year, about 400 prisoners are eligible to be released to discretionary parole supervision for a portion of their sentence. In addition, 500 prisoners are released to mandatory parole supervision for a period equal to one-third of their sentence.

Expiration of the Parole Board will not alter the state's responsibility under Title 33, Chapter 16, which provides for prisoners to be eligible for and supervised on discretionary and mandatory parole. The State will almost certainly be a party to costly litigation to determine the legal status of prisoners, parolees and victims.

The Board of Parole has been an effective vehicle in administering the parole process. I urge your support of HB 418.

Sponsor Statement



**STATE OF ALASKA**  
**Boards and Commissions**

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**PAROLE BOARD**

**BOARD:** State Board of Parole

**BOARD IDENTIFICATION NUMBER:** 075

**DEPARTMENT:** Department of Corrections

**AUTHORITY:** AS 33.16.020

**STATUS:** Active

**SUNSET DATE:** June 30, 1993

**REQUIREMENTS:** Financial Disclosure

**PROHIBITIONS:** Members may not be an officer or employee of the state.

**TERM:** 5 years

**DESCRIPTION:** 5 members appointed by Governor. Governor chooses chair; appointments are made with due regard for representation of the ethnic, racial, sexual and cultural populations of the state: 1 member who resides in the first judicial district, 1 in the third judicial district, and 1 member who resides in either the second or fourth judicial districts; at least 1 appointee must have experience in the field of criminal justice.

**FUNCTION:** Through hearings authorizes parole releases, establishes conditions of parole, and revokes parole for cause; completes clemency investigations.

**CHAIR:** Governor selects.

**SPECIAL FACTS:** Adjudicatory. Quorum - 3 members. Legislative Confirmation is required by statute, but not permissible under the Constitution.

**COMPENSATION:** Standard Travel and Per Diem. Receive honorarium of \$150 per day.

**MEETINGS:** As often as necessary, but at least 4 times per year.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard E. Collum, Executive Director, State Board of Parole, DOC, P.O. Box 112000 M/S 2000, Juneau, AK, 99811 2000,  
Phone: 907 465 3384

STATE OF ALASKA  
Boards and Commissions

---

Membership Roster  
PAROLE BOARD (075)

Member	Appointed	Reappointed	Term Exp.
David F. Cooper Criminal Justice P.O. Box 264 Palmer, AK 99645	02/15/84	12/12/89	01/01/95
Elsa Demeksa Public/Restricted 1785 Evergreen Avenue Juneau, AK 99801	01/01/92		01/01/97
James E. McLain Public/Restricted 532 Longspur Loop Fairbanks, AK 99709	01/01/93		01/01/98
Alonzo Patterson, Jr. Public/Restricted -- Chair P.O. Box 200156 Anchorage, AK 99501	02/17/84	01/08/91	01/01/96
Alonzo Patterson, Jr. Chair Term Dates Only/ Governor Designation,	01/08/91		01/01/96
Mary E. Vollendorf Public/Restricted 8250 Homer Drive Anchorage, AK 99518	01/01/94		01/01/99

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***STATE OF ALASKA***

***BOARD OF PAROLE***



***1993 ANNUAL REPORT TO THE GOVERNOR***

***AND THE ALASKA LEGISLATURE***

***JANUARY 1994***

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# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

### BOARD OF PAROLE

WALTER J. HICKEL, GOVERNOR

ALASKA BOARD OF PAROLE  
P.O. BOX 7  
JUNEAU, ALASKA 99811-2000  
PHONE: (907) 465-3384  
FAX: (907) 465-2006

Alonzo B. Patterson, Jr., Chairman  
Dolores G. Weiler, Vice Chairperson  
David F. Cooper, Member  
Elsabeth Demeksa, Member  
James E. McLain, Member

December 30, 1993

To the Honorable Walter J. Hickel, Governor  
and the Honorable Members of the Alaska  
State Legislature and the Citizens of the  
State of Alaska:

Ladies and Gentlemen:

It is my pleasure to offer the Annual Report of the Alaska Board of Parole for the calendar year 1993. I believe you will find the information contained in this report to be both interesting and informative.

The Board and the Department of Corrections are faced with many challenges. At the forefront is the growing prisoner population and the limits of our resources. The Board takes a great deal of pride in the dedication and commitment to excellence exemplified by our administrative staff and by the Department's employees during the last year. Often employees go beyond the call of duty to bring about positive change in many who have known only failure.

We as a Board are first and foremost accountable to the citizens of Alaska and we will endeavor to uphold their trust through informed decision-making and successful reintegration of the offender back to the community.

Sincerely,



Alonzo B. Patterson, Jr.  
Chairman

# ALASKA BOARD OF PAROLE

## 1993 ANNUAL REPORT

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# MISSION STATEMENT

## Alaska Board of Parole

### OUR MISSION IS

To protect the public by focusing on risk and by making careful, just and equitable parole decisions.

To have a clear, articulate policy and numerical guidelines so the public, offenders and criminal justice components can easily understand discretionary parole release decisions.

To have professionally trained Board Members, with close ties to the community, who are representative of the ethnic, racial, sexual, and cultural populations of the state.

To use Department and community resources as a bridge to help parolees become contributing members of society.

To set realistic parole conditions and to return to prison those who show they will not be law-abiding.

## OUR STATUTORY OBLIGATIONS

AS 33.16.100(a) The Board may authorize the release of a prisoner on discretionary parole if it determines that a reasonable probability exists that:

(1) the prisoner will live and remain at liberty without violating any laws or conditions imposed by the Board;

(2) the prisoner's rehabilitation and reintegration into society will be furthered by release on parole;

(3) the prisoner will not pose a threat of harm to the public if released on parole; and

(4) release of the prisoner on parole would not diminish the seriousness of the crime.

AS 33.16.010(d) A prisoner released on discretionary or mandatory parole is subject to the conditions of parole imposed under AS 33.16.150.

AS 33.16.220 The Board may revoke parole for conduct in violation of AS 33.16.150(a) or (b).

# OUR RESPONSIBILITIES

## To Alaska Citizens

To keep refining our ability to select persons for parole who will succeed as law-abiding citizens; to help parolees become productive citizens for the benefit of society, themselves and their families; and to use our revocation authority wisely and to promptly return to prison those parolees who present a danger to the community.

## To Victims

To welcome and consider views and information from crime victims and their families and to respond positively to their requests for information and notification.

## To Corrections Employees

To provide leadership, training and resources so they can perform their job effectively and efficiently.

## To Offenders

To consider each offender as an individual by one set of standards and to provide a fair and unbiased hearing; to provide realistic parole conditions and helpful positive supervision.

## To Justice

To uphold appropriate punishment, to advance equal treatment of offenders serving for similar offenses with similar histories and needs, and to work with other justice components to reduce criminality.

## THE BOARD MEMBERS

**Chairman Alonzo B. Patterson, Jr.** was appointed to the Board in February 1984 by Governor Sheffield. He was reappointed by Governor Sheffield in 1986 and by Governor Hickel in 1991. Reverend Patterson is the pastor of Shiloh Missionary Baptist Church in Anchorage. He has a Bachelor of Arts Degree in Psychology from the University of Alaska/Anchorage, and a Doctor of Divinity Degree from the American Bible Institute. Reverend Patterson is a resident of Anchorage.

**Member David Cooper** was appointed by Governor Sheffield in February 1984. He was reappointed by Governor Sheffield in 1986 and again by Governor Cowper in 1990. He has an Associate Arts Degree in Behavioral Science from the University of Alaska/Anchorage. Mr. Cooper is retired from the position of Assistant Superintendent at the Palmer Correctional Center after 19 years of exemplary service. He was born and raised near Ninilchik. He and his family operate a commercial fishing business in Cook Inlet. Mr. Cooper is a resident of Palmer.

**Member Elisabeth Demeksa** was appointed by Governor Hickel in 1992. She has a Bachelor of Arts Degree in English Literature from New York State University. Ms. Demeksa is the owner, manager of a women's apparel store. From 1980 to 1991 she was an Aide to the Alaska Legislature, the last two years as Chief of Staff to the House Minority Leader. She is active in numerous women's and family organizations, and in 1984 was honored as one of the Outstanding Young Women of America. Ms. Demeksa is a resident of Juneau.

**Member James McLain** was appointed by Governor Hickel in 1993. He has a Bachelor of Arts Degree in Criminal Justice from the University of Alaska/Fairbanks and was the Justice Student of the Year in 1988. He is currently employed as a paralegal. Mr. McLain is a resident of Fairbanks.

**Member Mary Vollendorf** was appointed by Governor Hickel in 1994. She has a Bachelor of Arts Degree in Political Science/Pre Law from the University of Northern Arizona University. Since graduation from college she has worked for several legislators. Ms. Vollendorf is a resident of Anchorage.

# THE EMPLOYEES OF THE PAROLE BOARD

During 1993 the administrative office of the Board was located at the corner of 4th & Harris, Juneau, Alaska. As of January 21, 1994 the office will be located at 802 Third St., Douglas, Alaska. Our mailing address is:

Alaska Board of Parole  
P.O. Box 112000  
Juneau, Alaska 99811-2000  
Phone: (907) 465-3384  
Fax: (907) 465-2006

## EXECUTIVE DIRECTOR

*Richard E. Collum*

The Executive Director is appointed by the Board and is responsible for day to day operations of the agency. The Executive Director attends parole release hearings and parole revocation hearings and provides technical assistance to the Board.

## Secretary I

*Georgina Weitzel*

## Clerk Typist III

*Mary Engdahl*

## PAROLE ADMINISTRATOR

*Donna E. White*

The Parole Administrator assists the Executive Director in agency administration and supervision of the staff. The Parole Administrator is a resource for parole officers to use in the daily management of cases, scheduling hearings and compiling statistics.

## PAROLE BOARD OFFICER

*Daniel L. Stroeing*

The Parole Board Officer assists the Parole Administrator and handles conditions of supervision and Executive Clemency applications and investigation.

## THE PAROLE BOARD

Society through legislation has determined that some people who commit crimes must be incarcerated in correctional institutions as a deterrent to others and for punishment for their crime, as well as for protection of the public and for reformation. The optimum period of time that will meet this criteria, for any given crime, is unknown and consequently sentence length varies considerably across the United States. We know from experience that a number of offenders can be released to community supervision prior to the expiration of their sentences without jeopardizing the public and at a tremendous cost savings to the public.

The Alaska Board of Parole was created by the legislature at the time of statehood to fulfill the State's constitutional requirement for a parole system. The Board was originally comprised of three volunteer members appointed by the Governor, the staff was provided by the Division of Corrections. In the mid 1960's the Board was increased to five members. In 1972, a separate parole office was created within the Department of Health and Social Services to make the Board independent of the Division of Corrections and provide the Board Members with their own administrative staff. When the Division of Corrections became the Department of Corrections in 1984 the Board's Budget Request Unit was moved from Health and Social Services to this newly formed Department.

Prior to 1986, Board Members were appointed to four year terms. Beginning January 1, 1986 the five members are appointed to staggered five year terms. One term expires every year on December 31. The Staff presently consists of an Executive Director, Parole Administrator, Parole Board Officer, a Secretary and a Clerk Typist.

In addition to holding discretionary parole release hearings, the Board holds parole revocation hearings on both mandatory parolees and discretionary parolees. The Board sets conditions of parole, conducts preliminary revocation hearings and preliminary recision hearings, and issues arrest warrants and subpoenas. During the years from 1984 to 1986, the Board reviewed cases in accordance with the Prisoner Overcrowding Emergency Conditional Commutation Plan. The staff conducts all of the Executive Clemency investigations for the Executive Clemency Advisory Committee and the Governor.

The Board meets quarterly in Fairbanks, Anchorage and Juneau. The Board meets quarterly as necessary in other areas which have a State Correctional Facility, such as Seward, Nome, Bethel, Kenai,

and Ketchikan. Occasionally it is necessary for the Board to travel outside Alaska to the Federal Bureau of Prisons Facilities and other contract institutions to hold parole hearings. The Board members are not state employees but are paid per diem and travel expenses plus \$150 compensation for each full day they are in session.

In 1981, following three years of research and analysis the Board adopted a parole guidelines model which rates a prisoner's social and criminal history to determine risk. This risk score is compared to the severity of the crime to determine a range of time the prisoner should serve prior to discretionary parole. These guidelines were revised in 1983 based on criminal code revisions and again in 1989 following additional research into the validity of the risk factors.

## THE HISTORY OF PAROLE ELIGIBILITY

Eligibility for discretionary parole and for mandatory parole has changed considerably over the last three decades since Statehood and has become extremely complicated. The following information is presented as a historical review of what has occurred and may provide some perspective on the limited numbers of prisoners who are currently eligible for release.

The Alaska legislature determined, with passage of the criminal code in 1960, that a prisoner sentenced to a term of at least 181 days would be eligible for discretionary parole. Former AS 33.15.180. Although there was no statutory minimum term a prisoner had to serve before release on parole, the court had the discretion to set a minimum term, not to exceed one-third of the total sentence. Former AS 33.15.230(a)(1). No other restrictions or guidelines applied.

Effective May 16, 1974, the Alaska Legislature amended former AS 33.15.080 to require a prisoner to serve one-third of the period of confinement prior to being eligible for release on discretionary parole. In the case of a prisoner serving a life sentence, the mandatory minimum was set at fifteen years. In addition, former AS 33.15.230(a)(1) was amended so the court could further restrict eligibility up to the maximum term.

In 1980, as part of the revised criminal code and with the inception of presumptive sentencing, parole eligibility was altered significantly. Crimes were grouped according to severity of the offense. Murder I, Murder II and Kidnapping were unclassified felonies. Murder I and II and Kidnapping were changed from a maximum term of life to a maximum term of 99 years. The mandatory

minimum for discretionary parole eligibility for Murder I was increased to 20 years [AS 12.55.125(a)] or one-third of the period of confinement (former AS 33.15.080), whichever was greater. The mandatory minimum term for Murder II and Kidnapping was set at five years [AS 12.55.125(b)] or one-third of the period of confinement, whichever was greater.

All other felony offenses were classified as A, B, or C felonies. First time felony offenders and all misdemeanor offenders with a sentence of 181 days or longer were eligible for parole after serving one-third of the period of confinement. The remaining felony offenders (those with one or more prior felony convictions) were to be given a non-parole eligible presumptive term. AS 12.55.125. As in the past, the court could further restrict parole eligibility beyond the statutory minimums. AS 12.55.115.

The 1980 revised criminal code also provided for a Three-Judge Sentencing Panel (AS 12.55.175) to review cases with extraordinary circumstances. AS 12.55.165. The Three-Judge Panel may sentence a defendant to any sentence authorized under AS 12.55.015, including making an otherwise ineligible defendant eligible for parole.

Effective October 1, 1982, Sexual Assault I and Sexual Abuse of a Minor I, previously class A felonies, were moved to a new category of unclassified presumptive's [AS 12.55.125(i)] and first time offenders were no longer eligible for parole. In addition, Class A first time offenders were now subject to presumptive terms and were not eligible for parole. AS 12.55.125(c).

Effective January 1, 1983, drug offenses were included in the revised criminal code and Misconduct Involving a Controlled Substance in the First Degree became an unclassified felony with a five year mandatory minimum. AS 12.55.125(b).

Effective January 1, 1986, class A, B and C felony offenders eligible for parole, had their parole eligibility reduced from one-third of the period of confinement to one-quarter. [AS 33.16.100 (c)] In addition, enhanced or aggravated presumptive's were declared eligible for discretionary parole after completing the initial presumptive term plus the minimum (one-third or one-quarter) applicable to the enhanced portion of the term. [AS 33.16.090(c)].

In order to correct what they believed to be a previous oversight the legislature made Class A offenders eligible for parole after serving one-third of the period of confinement, effective September 12, 1987. Eligibility on these offenders had been mistakenly reduced the previous year to one-quarter along with class B and C offenders. [AS 33.16.100(d)].

In 1988, it was determined an offender sentenced prior to 1986 to an enhanced (aggravated) presumptive sentence [AS 12.55.155(c)] was eligible for parole after serving the presumptive term, less good time, and at least one-third of the composite term. Merry v. State, 752 P.2d 475 (Alaska App. 1988). In 1990, it was determined an offender sentenced to a consecutive presumptive sentence prior to 1986 was eligible for parole after completion of the initial presumptive sentence, less good time, and after serving the applicable minimum (one-third or one-quarter) of the consecutive presumptive term.

It has been long established that good time does not reduce the minimum term for parole eligibility. Attorney General Opinion, 01/30/74, Mills v. State, 592 P.2d 1247 (Alaska 1979). However good time does reduce the term of a presumptively sentenced prisoner and thus affects parole eligibility on enhanced presumptive sentences and consecutive presumptive sentences. AS 33.16.090(c).

Effective September 14, 1992, Three Judge Panel sentencing based on a finding of an exceptional potential for rehabilitation became more restrictive. After that date the panel is required to sentence the defendant to the presumptive term, shall order the defendant to participate in appropriate programs of rehabilitation, and may provide that the defendant is eligible for discretionary parole during the second half of the sentence imposed if the defendant successfully completes all rehabilitation programs ordered. AS 12.55.175(e), AS 33.16.090(e).

## WHO IS ELIGIBLE FOR DISCRETIONARY PAROLE NOW?

As indicated in the previous history of parole, the parole eligibility laws have become extremely complicated. A quick overview follows:

In order for a prisoner to be eligible for discretionary parole, the prisoner must be sentenced to a term of 181 days or more. In the case of classified felonies, first time class B and C offenders are eligible after serving one-quarter of their term. All other classified felonies and unclassified sex offenses fall under presumptive sentencing and are eligible for parole after serving the initial presumptive terms. Prisoners convicted of Unclassified felonies must serve mandatory minimums (20 yrs. for Murder in the first Degree, five years for all others) or one-third of the total term, whichever is greater.

## WHO IS ON MANDATORY PAROLE?

A prisoner who is not eligible for discretionary parole or has not been granted discretionary parole will be supervised on mandatory parole if the composite term the prisoner is serving is two (2) years or more. The term of mandatory parole is equal to the period of time the prisoner's sentence was reduced for good behavior, in most cases this is one-third of the total sentence.

Mandatory parole can be revoked prior to a prisoner's release to supervision if the prisoner does not comply with court ordered treatment while incarcerated. Once released from the institution, mandatory parole can be revoked by the Board if the prisoner violates a condition of the mandatory parole. A prisoner cannot refuse to be released to mandatory parole supervision.