

MEMORANDUM

TO: NWABSD Board of Education
Members

DATE: June 6, 2023

NUMBER: 23-121

FR: Office of the Superintendent

SUBJECT: Approval of Proposed
Revisions to BP 5030,
Students, School
Discipline and Safety; First
Reading

STRATEGIC PLAN/BOARD GOAL:

Improve Stakeholder Communication.

ABSTRACT:

Board policy revisions require Board approval.

ISSUE:

At issue is to approve the first reading of the proposed revisions to BP 5030, Students, School Discipline and Safety and open for public comments.

BACKGROUND AND/OR PERTINENT INFORMATION:

The Superintendent/designee presents drafts or suggestions for board policy revisions when changes in law occur or when specific need occurs. Policy revisions shall normally be given two readings prior to adoption by the Board. This is the first reading of the proposed revisions to BP 5030, Students, School Discipline and Safety.

The Board Policy Committee reviewed the proposed changes, recommends approval and to open for public comments.

ALTERNATIVES:

1. Approve the first reading to the proposed revisions to BP 5030, Students, School Discipline and Safety as presented and open for public comments;
2. Do not approve first reading to the proposed revisions to BP 5030 as presented;
3. Take no final action.

ADMINISTRATION'S RECOMMENDATION:

The administration recommends the Board approve the first reading to the proposed revisions to BP 5030, Students, School Discipline and Safety as presented and open for public comments.

BP 5030 SCHOOL DISCIPLINE AND SAFETY

Note: Each school district must have in place a school disciplinary and safety program. [AS 14.33.110-.140](#). The purpose of the program is to implement community standards of school behavior that are developed with the collaboration of students, parents, guardians, teachers, school administrators, and advisory school boards in each community; and to protect and support teachers who enforce standards of student behavior and safety in the classroom. Effective October 2014, the program must be made available to students, parents, legal guardians, and the public, and must include written policies and procedures consistent with standards for use of restraint and seclusion, outlined in [AS 14.33.125](#). The Every Student Succeeds Act requires states to implement a system of school safety assessment. Under ESSA, districts are required to offer a school choice option in two instances: (1) when a student attends a “persistently dangerous school,” or (2) when a student has been the victim of a violent criminal offense. Alaska’s implementation of these federal mandates is found at [4 AAC 06](#) in newly added Article 2, Safe Schools.

The School Board believes that all students have the right to a public education in a safe and positive environment that fosters the maximum opportunity for learning. The School Board seeks to ensure that students, regardless of ethnicity, race, disability, religious or cultural preference, gender identity, sexual orientation or socioeconomic background, do not disproportionately experience suspension, expulsion or other disciplinary actions. An effective school discipline and safety program is necessary to ensure a safe and conducive learning environment. The School Board shall adopt, and the Superintendent or designee shall implement and maintain, an effective, trauma-informed and culturally responsive school discipline and safety program. The discipline and safety program should reflect community and cultural values resulting in standards of school behavior and safety that are developed with the collaboration of students, parents, guardians, teachers, elders, school administrators, and advisory school boards in each community.

(cf. 1230 – Citizen Advisory Committees)

(cf. 1410 - Interagency Cooperation for Student and Staff Safety)

(cf. 4158 –Employee Security)

(cf. 5131 – Conduct)

(cf. 5131.1 – Bus Conduct)

(cf. 5131.4 – Campus Disturbances)

(cf. 5131.41 – Violent and Aggressive Conduct)

(cf. 5131.42 – Threats of Violence)

(cf. 5131.43 – Harassment, Intimidation and Bullying)

(cf. 5131.5 – Vandalism, Threats, and Graffiti)

(cf. 5131.6 – Alcohol and Other Drugs)

(cf. 5131.62 – Tobacco)

(cf. 5131.63 – Performance Enhancing Drugs)

(cf. 5131.7 – Weapons & Dangerous Instruments)

(cf. 5131.9 – Academic Honesty)

(cf. 5132 – Dress and Grooming)

(cf. 5136 – Gangs)

(cf. 5137 – Positive School Climate)

(cf. 5141.42 – Professional Boundaries for staff and students~~5141.51 – At-Risk Youth~~)

(cf. 5141.51 – At-Risk Youth)

(cf. 5142.2 – School Safety Patrol)

(cf. 5142.3 – Restraint and Seclusion)

(cf. 5144 – Discipline)

~~(cf. 5144.1 – Suspension and Expulsion)~~

(cf. 5144.2 – Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))

(cf. 5145.11 – Questioning and Apprehension)

(cf. 5145.12 – Search and Seizure)

(cf. 5145.5 – Nondiscrimination)

(cf. 5145.5 – Harassment)

(cf. 5145.7 – Sexual Harassment)

(cf. 5147 – Dropout prevention)

(cf. 6159 – Individualized Education Program)

(cf. 6164.2 – Guidance and Counseling Services)

(cf. 6164.4 – Child Find)

(cf. 6164.5 – Student Study Teams)

(cf. 6172 – Special Education)

Note: School districts must adopt policies for implementing a student conflict resolution strategy. The strategy must provide for the nonviolent resolution or mediation of conflicts, and procedures for reporting and resolving conflicts. [AS 14.33.120\(a\)\(7\)](#). A district's school disciplinary and safety program must provide for a student conflict resolution strategy.

Providing young people with knowledge and skills to settle disputes peacefully is a critical component of an effective disciplinary and safety program. Students who possess skills in negotiation, mediation, and consensus decision making are able to explore peaceful solutions to conflict and to resolve these conflicts in a nonviolent manner. The district will work to build students self-regulation skills, incorporating preventative and restorative practices to minimize the need for discipline and maximize instructional time for every student. The district will also establish these practices and seek to address or reduce disproportionate treatment or use of punitive school discipline based on racial or economic disparities.

The Superintendent or designee shall implement and maintain a conflict resolution strategy for district students. The strategy will provide conflict resolution education and resources to students to learn skills in the nonviolent resolution and mediation of conflicts. Restorative or corrective practices place relationship building with students and families at the center. These can include conferences with students and their parents/guardians; use of student study teams or other intervention-related teams; enrollment in a program teaching social/emotional behavior, intensive and intentional relationship building with students and family, participation in a restorative justice program or restorative circles; and positive behavior support approaches.

Note:- Effective October 2014, districts must include in the school disciplinary and safety program written policies and procedures consistent with standards for use of restraint and seclusion. The following language incorporates this requirement.

The district recognizes that a key component of its school disciplinary and safety program involves appropriate staff response when student behavior impacts on the safety of that student or others. The district prohibits the use of physical restraint and seclusion except in emergency situations as outlined in law and policy. The

Superintendent or designee shall provide professional development or supports as necessary to assist staff to offer consistent classroom management skills, model skills for students, and implement effective relationship building and disciplinary techniques, eliminating unconscious bias. This includes establishing collaborative relationships with parents/guardians.

(cf. 5142.3 – Restraint and Seclusion)

Note: [AS 14.33.120](#) requires the discipline and safety program to have procedures for periodic revision and review. [4 AAC 07.050](#) requires that a district's student rights and responsibilities policies be reviewed at least once every three years. The following language utilizes a maximum three-year duration for the review process.

Not less than once every three years, the district's discipline and safety program shall be reviewed and revised if appropriate. The review process shall make available the opportunity for collaborative input by students, parents, guardians, staff, and advisory school boards in each community. Policies reflecting standards of student behavior, including those identifying prohibited student conduct and penalties, should be reviewed to determine consistency with community standards, including the basic requirements for respect and honesty.

(cf. 9310 – Policy Manual)

(cf. 9311 – School Board Policies)

(cf. 9313 – Administrative Regulations)

Note: - Annually, the district is to submit a report to the Department of Education and Early Development relating to the district's disciplinary and safety program, including incident numbers for infractions involving violence or weapons. This report is to be submitted at the same time the district submits its annual report on goals and priorities as required by [AS 14.03.120](#)(a). Additionally, the district is to report all incidents of suspension and expulsion resulting from harassment, intimidation, or bullying. Effective October 2014, the district is to annually report, not later than June 30, the total number of incidents involving the restraint or seclusion of a student as required by [AS 14.33.125](#) and [4 AAC 06.175](#) (see BP 5142.3). The following language incorporates the reporting requirements for school discipline as set forth in [AS 14.33.120](#), [14.33.210](#), [4 AAC 06.172](#) and [4 AAC 06.250](#).

The district will submit annual reports to the Department of Education and Early Development, as required by law. These reports will permit assessment of the district's School Discipline and Safety program.

The School Board will review annually disciplinary action data to understand conduct and discipline of specific dis aggregated groups of students. The School Board and district administrators will periodically review research on effective practices to

proactively create trauma informed environments and culturally responsive discipline practices. Results of the review will be used to determine how to incorporate new practices and strategies into district policies and practices.

Note:- One of the purposes of the school disciplinary and safety program is to protect and support teachers who enforce standards of student behavior and safety in the classroom. [AS 14.33.110\(3\)](#). The law provides that a teacher, ~~teacher's assistant~~~~paraprofessional~~, a ~~principal~~~~administrator~~, or another person responsible for students may not be terminated or otherwise subjected to formal disciplinary action for lawful enforcement of a school disciplinary and safety program, including behavior standards. [AS 14.33.130](#). It is recommended that a district desiring to take disciplinary action against a staff member for unreasonable or unlawful enforcement of student discipline should contact legal counsel. Finally, school employees are also protected from civil liability for acts or omissions arising out of enforcement of the disciplinary and safety program while in the course of employment, unless the act constitutes gross negligence or reckless or intentional misconduct. [AS 14.33.140](#) and the ~~Every Student Succeeds~~~~No Child Left Behind~~ Act ~~of 2015~~.

The School Board desires to give all administrators, teachers, and other employees the authority, knowledge and skills they need to effectively implement the discipline and safety program of the district. Personnel should adhere to lines of primary responsibility and district adopted protocols so that appropriate decision-making may take place at various levels in accordance with School Board policy and administrative regulations. In fulfilling duties and responsibilities in student discipline and safety, all employees shall comply with School Board policies, administrative regulations, and local, state, and federal laws.

(cf. 2110 – Organization Chart/Lines of Responsibility)

(cf. 4158 – Employee Security)

(cf. 5144 – Discipline)

(cf. 4119.21 --- Code of Ethics)

(cf. 4119.3 – Duties of Personnel)

(cf. 5141.42 - Professional Boundaries for staff and students)

Note:- On July 15 of each year, the Department of Education and Early Development will determine the safety status of the schools in the state. The Department will designate a school as safe, at-risk, or persistently dangerous. A district that has a school identified as persistently dangerous must provide notice within 10 days to all parents of students who attend the school that the school has been designated as persistently dangerous and that the parent has 30 days to request that the district transfer the student to a safe school within the district. A transfer must occur within

30 days of a transfer request. A district that has only one public school of the appropriate grade level is not required to create a second public school in order to offer a transfer option. Additionally, within 10 days of an incident in which a student is a victim of a violent criminal offense at school, a district shall notify the parents of the student that they may have their student transferred. If a parent requests a transfer, the district shall provide the transfer within 30 days. A student shall be eligible for a transfer if substantial evidence indicates that the student was a victim of a violent criminal offense on the grounds of the school attended by the student. If a district refuses to offer to transfer a student whom the student's parent believes was the victim of a violent criminal offense, the parent may, within 30 days of the refusal, appeal to the Commissioner of Education. Again, a district that has only one public school of the appropriate grade level is not required to create an additional public school in order to provide the option to transfer. A violent criminal offense does not have to be the subject of a criminal charge, and includes incidents that would establish the elements of the following violent criminal offenses:- (1) an offense against the person under the Alaska Criminal Code, [AS 11.41.100-11.41.530](#); (2) recruiting a gang member in the first degree, [AS 11.61.160](#); and (3) misconduct involving weapons in the first degree, [AS 11.61.195](#). A parent who has exercised the parent's option to transfer a student may have the student remain in the receiving school until the student completes the highest grade level offered by that school. A district that is required to offer a student a transfer to a safe school, but that does not contain a safe school of an appropriate grade level, must offer to transfer the student to the parent's choice of any school designated at Level 2 or higher under [4 AAC 06.835](#) and work with the parent to identify other suitable educational opportunities for the student, including transfer to another district or attending a statewide correspondence school. [4 AAC 06.200-.270](#).

The School Board further desires to give all students no matter their ethnicity, race, gender or gender identification, sexual orientation or socioeconomic status, the opportunity to learn in an environment in which they feel safe. Should any school be identified as persistently dangerous under state law, students attending that school will be provided the opportunity to transfer to the parent's choice of one of two or more safe schools within the district. Informed parental choice will be facilitated by timely notice of the meaning of the persistently dangerous designation and the intervention steps the district plans to utilize to make the school safe. Additionally, any student who is the victim of a violent criminal offense that occurred on the grounds of the student's school will be provided the opportunity to transfer, consistent with state law.

Legal Reference:

UNITED STATES CODE

[20 U.S.C. §§ 1400](#), et seq. *Individuals with Disabilities Education Act* ~~of 2004~~

Every Student Succeeds Act ~~of 2015~~, [PL 114-95](#) ~~(2015)~~

ALASKA STATUTES

[11.81.430](#) *Justification, use of force, special relationships*

[11.81.900](#) *Definitions*

[14.03.078](#) *Report*

[14.03.160](#) *Suspension or expulsion of students for possessing weapons*

[14.30.045](#) *Grounds for suspension or denial of admission*

[14.30.180-.350](#) *Education for Exceptional Children*

[14.33.120-.140](#) *School disciplinary and safety program*

[14.33.210](#) *Reporting of incidents of harassment, intimidation or bullying*

ALASKA ADMINISTRATIVE CODE

[4 AAC 06.060](#) *Suspension or denial of admission*

[4 AAC 06.172](#) *Reporting of school disciplinary and safety programs*

[4 AAC 06.175](#) *Reporting restraint and seclusion incidents.*

[4 AAC 06.200-.270](#) *Safe schools*

[4 AAC 06.250](#) *Reporting*

[4 AAC 07.010-4 AAC 07.900](#) *Student rights and responsibilities*

[4 AAC 52.010-.990](#) *Education for exceptional children*

[20 AAC 10.020](#) *Code of ethics and teaching standards*

Revised: November 17, 2015, March 30, 2018, August 25, 2020, (Date of Revision)

Adopted: April~~ADOPTED: APRIL~~ 28, 2004

Northwest Arctic Borough School District