

EMPLOYEE SECURITY (ALL PERSONNEL)

BP 4158/4258/4358 (a)

Note: Alaska school districts are required to adopt standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline. Effective October 2014, the use of restraint and seclusion of students is strictly limited and in some situations prohibited by law. AS 14.33.125. Any use of restraint or seclusion by a district employee of a student must comply with all legal requirements. The following language is based upon guidelines found in AS 11.81.430, a statute authorizing reasonable nondeadly force by a teacher, and 4 AAC 07.900, which excludes certain reasonable and necessary physical restraint from the definition of corporal punishment. Additionally, the law provides that A teacher, teacher's assistant, a principal 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. Finally, This group is 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 Act. No Child Left Behind Act of 2001.

An employee may use approved methods of physical restraint if a student's behavior poses an imminent danger. Restraint must be limited to that necessary to address the emergency and must be immediately discontinued when the student no longer poses an imminent danger or when a less restrictive intervention is effective to stop the danger. reasonable force when necessary to protect himself/herself from attack, to protect another person, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student.

(cf. 5144 - Discipline)

(cf. 5142.3 – Restraint and Seclusion)

Note: ~~Effective January 1, 2001,~~ A teacher, teacher's assistant, administrator, or other employee responsible for students who, during the course of employment, observes a student committing a crime must report the crime to local law enforcement. AS 14.33.130. The obligation to report to law enforcement resides with the staff member observing the crime. "Crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor. AS 11.81.900.

Employees shall promptly report any student attack, assault or threat against them to the Superintendent or designee. The employee and the site administrator or other immediate supervisor both shall promptly report such instances to the appropriate local law enforcement agency.

(cf. 1410 - Interagency Cooperation for Student Safety)

(cf. 5030 – School Discipline and Safety)

Legal References:

ALASKA STATUTES

11.81.430 Justification, use of force, special relationships

11.81.900 Definitions

14.33.120-.140 School disciplinary and safety program

Personnel

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ALASKA ADMINISTRATIVE CODE

4 AAC 07.010-4 AAC 07.900 Student rights and responsibilities

UNITED STATES CODE

Every Student Succeeds Act, P.L. 114-95

~~Elementary and Secondary Education Act, 20 U.S.C. §§ 2361-2368, as amended by the No
Child Left Behind Act of 2001 (P.L. 107-110)~~

Adopted 6/01

Revised 9/2000 - AASB

Revised 05/03

Revised __/23