

BP 1312 PUBLIC COMPLAINTS CONCERNING THE SCHOOLS

The School Board believes that ~~at the~~ quality ~~of the~~ educational program is dependent upon a strong relationship with its communities. The School Board further believes that improved student success results can improve when the district listens to complaints, considers differences of opinion, and resolves disagreements through an established, objective and culturally responsive process using the chain of command.

The Board encourages complainants to resolve problems early and informally whenever possible. The School Board expects that all district staff who respond to complaints and resolve problems will do so in a manner that is culturally responsive and is not influenced by discrimination or biases. If a problem remains unresolved, the individual should submit a formal complaint as early as possible in accordance with appropriate district procedures. District procedures shall be readily accessible to the public.

Individual Board members do not have authority to resolve complaints. If approached directly with a complaint, however, School Board members should also demonstrate cultural responsiveness while listening ~~listen~~ to the complaint and provide assistance ~~show their concern~~ by referring the complainant to the ~~Board chair who may in turn refer it to the~~ Superintendent or designee so that the problem may receive proper consideration and due process ~~Designee as deemed appropriate. The Superintendent will notify the Board President of significant complaints concerning the District and schools.~~

(cf. 1312.1 ~~--~~ Public Complaints Concerning School Personnel)

(cf. 1312.2 ~~--~~ Public Complaints Concerning Instructional Materials)

(cf. 1312.3 ~~--~~ Public Complaints Concerning Discrimination)

Note: Pursuant to [4 AAC 52.500](#), any person may file a complaint with the Department of Education alleging a violation of state regulations governing education for exceptional children.

Legal Reference:

ALASKA STATUTES

[14.18.100](#) Remedies (Sex or Race Discrimination)

ALASKA ADMINISTRATIVE CODE

[4 AAC 06.560 - 06.580](#) Violations; Prohibition Against Sex Discrimination

[4 AAC 52.500 - 52.629](#) Procedural Safeguards; Education for Exceptional Children

CODE OF FEDERAL REGULATIONS

[34 CFR 200.74](#)

[34 CFR Part 300](#)

UNITED STATES CODE

~~Title~~ TITLE VI, CIVIL RIGHTS ACT OF ~~Civil Rights Act of~~ 1964

~~TITLE~~ Title VII, CIVIL RIGHTS ACT OF ~~Civil Rights Act of~~ 1964, [42 U.S.C. 2000](#) et. seq. (Ch. 21)

~~TITLE~~ Title IX, EDUCATION AMENDMENTS OF ~~Education Amendments of~~ 1972

~~SECTION~~ Section 504, REHABILITATION ACT OF ~~Rehabilitation Act of~~ 1973

34 CODE OF FEDERAL REGULATIONS

and

~~GENERAL EDUCATION PROVISIONS ACT OF 1974, General Education Provisions Act,~~ [20 U.S.C. 1221](#) et. seq., especially:

~~FAMILY EDUCATIONAL RIGHTS AND PRIVACY RIGHTS ACT OF 1974, Family Educational Rights and Privacy Rights Act,~~ [20 U.S.C. 1232g](#)

Reviewed: (Date of Review)

Adopted: June 09, 2004

Northwest Arctic Borough School District

BP 1312.1 PUBLIC COMPLAINTS CONCERNING SCHOOL PERSONNEL

The School Board places trust in its employees and desires to support their actions in such manner that employees are free from unwarranted, spiteful or negative criticism and complaints. The Superintendent or designee shall develop procedures which will permit the public to lodge complaints or criticism against staff members, assure full consideration, and protect the rights of the staff members and the district. ~~Verbal~~ eComplaints against an employee initially made to a School Board member, Advisory School Council member, or at a School Board meeting ~~will shall~~ be referred to the complaint process and the Superintendent or designee ~~for~~ will give appropriate consideration and action.

The District will respond to complaints concerning school personnel, investigate as appropriate, and take action as may be necessary or advisable to resolve the concern. Complaints should follow the complaint filing and resolution process set forth in administrative regulation.

The process for complaints concerning school personnel will be administered in a fair and nondiscriminatory manner on behalf of both the complainant and the personnel involved.

~~(cf. 1250 - Visits to the School)~~

(cf. 1312 - Public Complaints Concerning the Schools)

(cf. 4112.6 - Personnel Records)

(cf. 9323 - Meeting Conduct)

Note: *When public complaints include allegations of child abuse, it is imperative that school officials consult BP 5141.4 - Child Abuse and Neglect (Reporting Procedures). Though a district may implement its complaint procedures in such cases, the duty to report suspected child abuse comes first. We encourage school districts to rely on the child protective agencies for resolving these complaints and determining if the child abuse report is unfounded.*

This policy shall not apply when a public complaint involves accusations of child abuse. When a school employee is accused of child abuse, it shall be investigated by proper authorities in accordance with child abuse laws.

~~(cf. 5141.4 - Child Abuse and Neglect (Reporting Procedures))~~

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

~~(cf. E4119.21(a) Code of Ethics & Teaching Standards)~~

~~(cf. B1312.3(a) Public Complaints Concerning Discrimination)~~

Legal Reference:

ALASKA STATUTES

Government meetings public

Adopted: June 09, 2004

Revised: (Date of Revision)

Northwest Arctic Borough School District

BP 1330 USE OF SCHOOL FACILITIES

Note: [A.S. 14.03.100](#) authorizes boards to grant the use of school facilities for lawful gatherings and assemblies and mandates that boards adopt written bylaws to ensure reasonable and impartial use of school facilities. If challenged, the district should be prepared to legally defend the reasonableness of its rules. The following sample policy may be revised to reflect local philosophy and needs. The district should be able to provide supporting rationale for its policy/regulations; that is, the policy/regulations must be deemed to be “reasonable.”

Note: ~~Under the No Child Left Behind Act of 2001 Pursuant to the Boy Scouts of America Equal Access Act~~, districts that make their premises and facilities available for use by youth and community groups must apply that policy equitably to all groups, including the Boy Scouts or other affiliated groups. Specifically, schools are prohibited from denying equal access to school facilities to the Boy Scouts or any other youth group “for reasons based on membership or leadership criteria or oath of allegiance to God and country.” According to Alaska’s uncodified law, a school district that violates this law risks losing state funding.

The School believes that the schools belong to the citizens of the community and that community use of the school facilities fosters understanding and support for school programs.

~~(Optional: The School Board recognizes that when schools encourage and welcome community elders during and after the school day, this supports continued learning opportunities between youth and older generations.)~~

The School Board shall make school facilities and grounds available to citizens and community groups for lawful gatherings and assemblies to the extent that such use serves the interests of the citizens and does not conflict with school or district purposes. The Superintendent or designee shall establish administrative regulations governing the reasonable and impartial use of school facilities and grounds by community members or groups.

(cf. 0100 – Philosophy)

(cf. 0430 – Community School Program)

(cf. 6145.5 – Organizations/Associations)

Legal Reference:

ALASKA STATUTES

[04.16.080](#) – Sales or consumption at school events

[14.03.100](#) – Use of school facilities

UNITED STATES CODE

~~Elementary and Secondary Education Act, 20 U.S.C. § 7905, as amended
by the No Child Left Behind Act of 2001 (P.L. 107-110) Boy Scouts of America
Equal Access Act, .~~

Revised: June 09, 2015

June 02, 2020

Adopted: June 09, 2004

Northwest Arctic Borough School District

BP 3543 TRANSPORTATION: EMERGENCY AND SAFETY PROCEDURES

The School Board places a high priority on student safety and believes that student instruction in safe riding practices and emergency procedures appropriate for the type of conveyance, territory, and weather conditions, may lessen the risk of serious injury. The district shall provide instruction on safe boarding, riding, exiting, and emergency procedures to students who are transported by bus and shall conduct school bus drills.

The Superintendent or designee shall inform parents/guardians of district safety precautions and encourage their support and participation as appropriate.

(cf. 5131.1 - Bus Conduct~~18~~ - Student Activity Trips)

Legal Reference:

ALASKA STATUTES

14.09.030 School buses

Revised: (Date of Revision)

Adopted: February 25, 1994

Northwest Arctic Borough School District

BP 4021 - ALL PERSONNEL - DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

Note: All persons subject to commercial driver's license requirements must be tested for alcohol, marijuana, cocaine, amphetamines, methamphetamines, opiates (including heroin) and phencyclidine (PCP). In AS 14.09.025, the Alaska Legislature enacted its own statutory requirement for testing bus drivers, which is in effect for all Alaska districts that employ bus drivers. This area, especially post-employment testing of drivers, involves constitutional issues. School districts should refer to legal counsel in designing and implementing drug testing procedures. Although the passage AS 17.38 authorizes the use of marijuana under certain conditions, it explicitly recognizes the authority of employers to prohibit the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace. AS 17.38 also does not prevent employers from establishing policies that restrict the use of marijuana by employees. AS 17.38.120(a). In addition, as a recipient of federal funds, the district is obligated to maintain a drug-free workplace consistent with federal law, which prohibits the manufacture, sale, distribution, possession and sale of marijuana. For purposes of the district's policy and legal obligation, marijuana is prohibited.

Purpose

The Superintendent or designee superintendent shall establish and implement a drug and alcohol testing program for all bus drivers employed by the school district, in accordance with state and federal law. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of drugs and alcohol by bus drivers. This program shall test drivers for the improper use of drugs and alcohol, and shall include random testing. Improper use of drugs and alcohol consists of use that constitutes a federal or state criminal offense, or otherwise violates the regulations of the Department of Education and Early Development.

Prohibited conduct

No personnel employed by the school district as drivers of motorized vehicles used to transport students shall report for duty requiring the performance of safety-sensitive functions, or remain on duty, when the driver uses any controlled substance or has a prohibited concentration of alcohol in the driver's system. The only exception is when a driver has used a controlled substance pursuant to the instructions of a qualified physician who has advised the driver in writing that the substance does not adversely affect the driver's ability to safely operate a motorized vehicle for the transportation of students. Drivers shall provide a copy of the physician's written advice to the driver's supervisor prior to operating any motor vehicle for the school district.

Required Testing

Drivers shall be subject to pre-employment/pre-duty, reasonable suspicion, random, post-accident, returning to duty and follow-up alcohol and drug testing. Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions, which include just before or just after the employee performs the safety-related function for the district. Controlled substance testing may be performed at any time the driver is at work. An employee subject to this testing may not refuse to take a test when required.

Consequences for failing or refusing to take a required test

A refusal to take a required test shall be considered in violation of the employee's contractual obligations to the district, and may constitute grounds for the employee's termination from employment with the district. If testing confirms prohibited alcohol concentration levels or the unauthorized presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with law. The district may reassign the employee to non-safety-related functions until such time as the driver complies with the requirements for returning to duty.

The School Board Superintendent or designee retains the authority, consistent with state and federal law, to discipline or discharge any driver who is alcohol or chemically dependent and whose current use of alcohol or drugs impairs the employee's job qualifications or performance. Before a driver may be reinstated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified results.

Except as required by law or collective bargaining agreement, the district is not required to provide rehabilitation, pay for substance abuse treatment or to reinstate a driver who has failed a required drug or alcohol test. All employment decisions involving reassignment, reinstatement, termination or dismissal from employment shall be made in accordance with applicable district policies and procedures.

Records

The district shall keep and maintain testing records, and shall maintain the confidentiality of those records, in accordance with law. Testing records, and any information about false positive test results, shall not be released without the written consent of the employee. The district shall not retain records of false positive test results in the employee's employment records.

Training

The district shall take steps to ensure that supervisors receive appropriate training to administer the district's drug and alcohol testing program, and that employees receive the notifications required by law.

(cf. 4020 - Drug and Alcohol Free Workplace)

(cf. 3514 - Safety)

(cf. 4158/4358 - Employee Security)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

ALASKA STATUTES

[AS 14.09.025](#) ~~{Drug Testing for School Bus Drivers}~~

[Employers, driving, minors and control of property](#)

FEDERAL LAW

Omnibus Transportation Employee Testing Act of 1991

The Drug-Free Workplace Act of 1989

The Drug-Free Schools and Communities Act of 1986, as amended

International Brotherhood of Teamsters v. Dept. of Transportation, 932 F.2d 1292 (1991).

Revised: (Date of Revision)

Adopted: June 09, 2004

Northwest Arctic Borough School District

BP 4112.61/4212.61/4312.61 - ALL-CERTIFIED PERSONNEL - EMPLOYMENT REFERENCES

The School Board desires works to provide information about district employees to prospective employers to the extent that such information is factual and does not violate an employee's employee's privacy rights.-

The Superintendent or designee is responsible for processing all requests for references, letters of recommendation, or information about employee performance, including the causes or reasons for separation regarding all district employees other than the Superintendent.

References which are not secured through the Superintendent or designee reflect the personal views or opinions of the author and do not reflect the views of the District.

(cf. 4112.6 — Personnel Files)

(cf. 4117.5 — Termination Agreements)

Legal References:

ALASKA STATUTES

[AS 09.65.160](#) *Job References*

Adopted: June 09, 2004

Northwest Arctic Borough School District

BP 4113 - CERTIFICATED PERSONNEL - ASSIGNMENT

Note: The following sample policy may be revised or deleted to reflect district philosophy. This subject area is covered by collective bargaining laws.

The School Board respects the importance of assigning teachers in accordance with law, so as to serve the best interests of our students and the educational program. The Superintendent or designee may assign certificated personnel to any position for which their preparation, certification, experience and aptitude qualify them. Teachers may be assigned to any school within the district.

(cf. 4112.8 - Employment of Relatives)

Note: The following optional paragraph should be reviewed in conjunction with the district's collective bargaining agreement, if any, and revised or deleted as appropriate.

The assignment of certificated personnel shall comply with applicable collective bargaining provisions.

Legal Reference:

ALASKA STATUTES

[14.20.147](#) *Transfer or absorption of attendance area or federal agency school*

[14.20.148](#) *Intradistrict teacher assignment*

[14.20.158](#) *Continued contract provisions*

[23.40.070](#) *Declaration of policy (PERA)*

UNITED STATES CODE, TITLE 20

[20 USC § 1119](#) ~~*No Child Left Behind Act of 2001, P.L. 107-110*~~ *Every Student Succeeds Act of 2015.*

Revised: September 25, 2012, (Date of Revision)

Adopted: June 09, 2004

Northwest Arctic Borough School District

BP 4119.11/4219.11/4319.11 - ALL PERSONNEL - SEXUAL HARASSMENT All Personnel - Sexual Harassment

Note: The United States Supreme Court in Meritor Savings Bank, FSB v. Vinson et al., found that an employer could be held liable in a sexual harassment lawsuit. ~~The bank's~~ bank's complaint procedure ~~required~~ require the employee first to report the complaint to his/her supervisor who, in this case, was the accused party. We suggest that districts adopt a sexual harassment policy requiring the immediate supervisor of the offending employee and or personnel officer to receive the complaint.

The School Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and will not be tolerated. This policy prohibits sexual harassment of students or staff by other students, staff, School Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business.

(cf. 4119.21 - Code of Ethics)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4117.4 - Dismissal)

(cf. 9020 - Standards)

(cf. 9271 - Code of Ethics)

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either an explicit or implicit condition of employment, status or promotion.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
3. The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.
4. Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.

An employee or School Board member who feels that he/she is being harassed should immediately report the incident to the immediate supervisor of the accused employee or the appropriate ~~personnel~~ Human Resources ~~d~~Department official, without fear of reprisal. All complaints about behavior that may violate this policy shall be promptly investigated. The personnel department shall be informed of all such complaints and will

assist in the investigation and resolution of complaints. An employee making a complaint of sexual harassment shall not be required to resolve the complaint directly with the offending person.

Note: - Ellison v. Brady provides directives to employers responding to sexual harassment claims in order to shield themselves from liability, including taking immediate and appropriate action to address the harassment which entails investigation and discipline calculated to reflect the severity of the conduct, stop the harassment, and deter others from acting in the same manner. -

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the terms or conditions of employment or the work environment of the complainant ~~complaint~~. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the School Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and an/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or designee or School Board.

The Superintendent ~~superintendent~~ or designee shall ensure prompt and strict enforcement of School Board policy.

(cf. 1312.3 - Public Complaints~~4031—Complaint~~ Concerning Discrimination)

(cf. 1312.1 - Complaints Concerning School Personnel)

Legal Reference:

U.S. SUPREME COURT

Meritor Savings Bank, FSB v. Vinson et al.,

-477 U.S. 57 (1986)

Ellison v. Brady, 924 F.2d 872 (9th Cir. 1991)

Revised: January 29, 2008

Adopted: June 09, 2004

BP 4119.12/4219.12/4319.12 - ALL PERSONNEL - HARASSMENT

The School Board recognizes that harassment can cause embarrassment, feelings of powerlessness, loss of self-confidence, reduced ability to perform school work, and increased absenteeism or tardiness. The School Board shall not tolerate the harassment of any student by any other student or district employee. Any student or employee who is found guilty of harassment shall be subject to disciplinary action up to and including suspension or termination.

Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, or disability.

(cf. 5131.43 – 5145.7 Sexual Harassment, intimidation and bullying)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.11 – Sexual Harassment)

(cf. 4119.21 – Code of Ethics)

To promote an environment free of harassment, the principal administrator or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff inservice or student instruction and counseling. Principal Administrators shall discuss this policy with their employees and shall assure them that they need not endure any form of harassment.

The School Board encourages students or staff to immediately report incidences of harassment to the principal administrator or designee. The Superintendent or designee shall promptly investigate each complaint of harassment in a way that ensures the privacy of all parties concerned. In no case shall the student or staff member be required to resolve the complaint directly with the offending person.

Notice of this policy will be circulated to all district schools and departments and incorporated in teacher and student handbooks.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Complaints Concerning Discrimination)

(cf. 4030 - Nondiscrimination in employment)

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

Legal References:

ALASKA STATUTES

[AS 14.18.010 - 14.18.100](#) *Prohibition Against Sex and Race Discrimination*

ALASKA ADMINISTRATIVE CODE

[4 AAC 06.500 - 4 AAC 06.600](#) *Prohibition of Gender or Race Discrimination*

TITLE UNITED STATES CODE

~~Title VI, CIVIL RIGHTS ACT OF *Civil Rights Act of* 1964~~

~~TITLE Title IX, EDUCATION AMENDMENTS OF *Education Amendments of* 1972~~

~~INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 1975~~

~~AMERICANS WITH DISABILITIES ACT OF 1990~~

~~*Individuals with Disabilities Education Act*~~

~~*Americans with Disabilities Act*~~

Revised: (Date of Revision)

Adopted: June 09, 2004

Northwest Arctic Borough School District

BP 4158/4258/4358 ~~PERSONNEL~~ EMPLOYEE SECURITY

Note: Alaska school districts are required to adopt standards relating to when a teacher, ~~teacher's assistant~~paraprofessional, 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. A teacher, ~~teacher's assistant~~paraprofessional, ~~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. 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 of 2015.

An employee may use approved methods of physical restraint if a ~~student's~~student's behavior poses an imminent danger of physical injury to the student or others and less restrictive interventions would be ineffective at stopping the 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.

(cf. 5144 - Discipline)

(cf. 5142.3 — Restraint and Seclusion)

Note: A teacher, ~~teacher's assistant~~paraprofessional, 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~~personal-attack, assault or threat against them to their immediate supervisor who will report to the-Superintendent or designee. The employee and the ~~principal~~administrator or other immediate supervisor both shall promptly report such instances to the appropriate local law enforcement agency.

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

Legal Reference:

ALASKA STATUTES

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

[11.81.900](#) *Definitions*

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

ALASKA ADMINISTRATIVE CODE

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

UNITED STATES CODE

~~*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](#))*~~
Every Student Succeeds Act of 2015

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Revised: November 17, 2015

Adopted: June 09, 2004

Northwest Arctic Borough School District

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

BP 5124 COMMUNICATION WITH PARENTS/GUARDIANS

Because parental involvement contributes greatly to student achievement and conduct, and school-family partnerships result in improved outcomes for students, the School Board encourages two-way communication channels between school and home that are frequent, effective, and reliable. Communication methods may be tailored to family and school staff needs and may include classroom visits, parent-teacher conferences, class newsletters, mail, telephone, home visits, and school visits by parents/guardians. School staff are encouraged to learn about supportive family structures, and, if appropriate, to seek parent/guardian approval for additional family members or caregivers to be included in communications throughout the year.

School staff are encouraged to participate in community and cultural activities in order to better understand and relate to the community in which they teach.

Schools are encouraged to offer training on effective and positive family/school communication.

School staff should regularly assess the effectiveness of communication and adjust communication strategies to best meet the needs of students and their families.

(cf. 1250 - Visits to the School)

(cf. 6020 - Parent Involvement)

School staff are encouraged to communicate with families to celebrate and note the progress of each student. As part of this communication, teachers shall send progress reports and other data relating student welfare, academic and social success, and results of standardized testing. Communication should occur at regular intervals to establish a cohesive support structure for students, families and school staff.

The School Board and staff shall encourage parents/guardians to communicate any concerns to school staff and their teacher.

(cf. 5113 - Absences and Excuses)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5145.6 - Notifications Required by Law)

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)

(cf. 6162.5 - Research/Standardized Testing)

Reviewed: (Date of Review)

Adopted: April 28, 2004

Northwest Arctic Borough School District

BP 5131 CONDUCT

Note: Under the federal Every Student Succeeds Act, districts must take steps to ensure student discipline and safety. School districts must identify the creation and maintenance of safe and disciplined classrooms as a high priority for district and school staff. district- and school-level safety and discipline policies and regulations should be revised, and district resources distributed as necessary, to reflect the high level of importance the district attaches to this objective. School districts are to develop clear standards for student conduct that are designed to ensure that the environment within each district school and classroom supports student learning. Consequences for violating these standards must be identified, as well as the procedures that school staff, families, and students must follow in order to resolve problems as they develop.

Note: [4 AAC 07.010](#) - [4 AAC 07.900](#) **mandates** the School Board adopt policies on student rights and responsibilities; distribute and instruct students regarding these policies, and review these policies every three years. At a minimum, the policies must address routine discipline case procedure and chronic or serious discipline case procedure.

The School Board believes that student academic success depends upon students being physically present at school. Accordingly, the Board desires to reduce the time students spend away from the classroom and school learning environment due to misconduct. In order to facilitate this goal and increase outcomes for students:

The **eD**istrict shall use trauma-informed and supportive approaches to student behavior that create clear expectations with staff, students and families.

The **eD**istrict will pro-actively provide structures to cooperatively and independently manage behavior, and to build skills for self-management throughout the school day.

The **eD**istrict will monitor, address, and ensure that students do not disproportionately experience suspension, expulsion or other disciplinary actions due to race, ethnicity, disability, religious or cultural preference, gender identity, sexual orientation or socioeconomic background.

The **eD**istrict 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 **eD**istrict will incorporate culturally responsive models, school wide management, and classroom practices that build student skills, strengthen relationships, and keep students in the classroom.

In-school and out-of-school suspension should not be imposed unless other means of correction have failed to bring about proper conduct, or in circumstances where the

student's presence poses a danger to persons or property or substantial disruption to the educational environment.

The eDistrict will incorporate restorative or corrective practices that focus on relationship building with students and families. 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.

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

Clear standards for student conduct, classroom expectations, and resolving conflict will be established to ensure that the environment within each district school and classroom supports student learning. The Superintendent or designee, in consultation with staff, parents, students, and the community, shall establish student conduct expectations and identify consequences for violations. In addition, the Superintendent or designee, in consultation with staff, parents, students, and the community, shall develop procedures that school staff, families, and students must follow in order to resolve problems as they develop.

The District shall distribute and instruct students regarding these policies, and review these policies every three years. At a minimum, the policies must address routine discipline case procedure and chronic or serious discipline case procedure.

The School Board believes that all students have the right to a public education in a positive environment free from disruptions which interfere with teaching and learning activities. In order to promote an atmosphere conducive to learning, it is imperative that the School Board, parents/guardians, students, teachers and the administration be cognizant of their responsibilities related to student conduct.

School Board

The School Board is responsible for prescribing rules for the government and discipline of the schools under its jurisdiction. Consequences for misconduct will be fair and developmentally appropriate in light of the circumstances. The School Board holds the certificated personnel responsible for the proper conduct and control of students under their charge within the behavioral guidelines established by the School Board in conjunction with the administration.

The School Board will review and analyze disciplinary action data to understand conduct and discipline outcomes of specific groups of students and families.

The School Board and administrators will review research on effective practices to pro-actively create trauma informed environments and determine how to incorporate into district policies and practice.

Superintendent

The Superintendent or designee shall establish the necessary procedures to implement and enforce the School Board's discipline policy. He/she shall notify the parents/guardians of all students of the availability of the district's policy and procedures related to conduct and discipline.

School PrincipalAdministrator

The school principaladministrator shall initiate and enforce a set of school rules, in keeping with district policy and regulation, which facilitate effective learning and promote attitudes and habits of good citizenship.

The principaladministrator or designee shall provide instruction to students regarding their rights and responsibilities.

The principaladministrator shall support the classroom teacher in his/her efforts to promote improved and acceptable behavior in students.

Teachers

Appropriate classroom behavior allows teachers to communicate more effectively with students. Teachers shall conduct a well-planned effective classroom program and initiate and enforce a set of classroom regulations that facilitate effective learning.

Teachers shall cooperate with administrators and other classroom teachers in enforcing general school rules and appropriate campus behavior.

Parents/Guardians

Parents/guardians are expected to comply with the laws governing the conduct and education of their children. They shall also be expected to cooperate with school authorities regarding the behavior of their children. Parents/guardians may be held liable for misconduct of their children to the extent provided by law.

Students

Students shall be properly instructed in the rules and regulations pertaining to acceptable conduct as set by the School Board. All students shall comply with the regulations of the school district, comply with the course of study and submit to the authority of the teachers and administration of the schools.

Students should have the freedom and be encouraged to express their individuality in any way as long as their conduct does not infringe upon the freedom of other students or interfere with the instructional program.

(cf. 5145.2 - Freedom of Speech/Expression)

Students who violate the law or the rules and regulations of the school district may be subject to the transfer to alternative programs, discipline, suspension, or expulsion.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension/Expulsion/Due Process)

Legal Reference:

ALASKA STATUTES

[14.33.110 - .140](#) *Required school disciplinary and safety program*

ALASKA ADMINISTRATIVE CODE

[4 AAC 07.010 - 4 AAC 07.900](#) *Student Rights and Responsibilities*

UNITED STATES CODE

Every Student Succeeds Act [of 2015](#), [P.L. 114-95](#) (2015)

[Goss v. Lopez](#), 419 U.S. 565 (1975)

Revised: March 30, 2018, August 25, 2020, [\(Date of Revision\)](#)

Adopted: April 28, 2004

Northwest Arctic Borough School District

BP 5131.41 VIOLENT AND AGGRESSIVE CONDUCT

Students and staff have the right to feel safe and secure in their classrooms and while on school property or at school events. There are certain behaviors that, if tolerated, would quickly destroy the safe learning environment to which the students and staff are entitled. These behaviors, categorized as violent and aggressive, will not be tolerated and will result in immediate corrective action. The Superintendent shall develop procedures for the reporting of violent and aggressive behavior to appropriate law enforcement authorities.

(cf. 3515 - School Safety and Security)

(cf. 5142 - Safety)

Violent and aggressive acts include, but are not limited to, possession, threat with or use of a weapon; physical assault; verbal abuse; intimidation; extortion; bullying; gang participation; harassment; stalking; defiance; and racial slurs.

(cf. 5131.1 - Bus Conduct)

(cf. 5131.4 - Campus Disturbances)

(cf. [5131.43 - Harassment, Intimidation and Bullying](#))

(cf. [5131.7 - Weapons and Dangerous Instruments](#))

(cf. 5136 - Gangs)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Note: The following optional provision requires that students engaging in violent or aggressive conduct be placed on a behavior management plan. Many researchers, policy analysts and educators caution that long-term exclusion from school does not solve the problem of youth violence, but only shifts the problem away from the classroom to neighborhoods and frequently to the area near the schools. Accordingly, this provision provides an alternative for working with disruptive or violent students which attempts to provide necessary supports to facilitate continued participation within the regular school setting. The **School** Board could substitute alternatives to a behavior management plan such as counseling.-

All acts of violence and aggression shall result in those involved being placed on a compulsory behavior management plan. In addition to this plan, each situation shall result in specific consequences, determined by the seriousness of the act, including consideration of expulsion from school for acts of a serious or chronic nature. The

Superintendent or designee shall establish procedures for development of behavior management plans. Plan development should include input from the affected student's parent/guardian, teacher(s), ~~principal~~administrator , and other individuals as appropriate.

Legal Reference:

UNITED STATES CODE

Gun-Free Schools Act of 1994, [20 U.S.C. §8921](#)

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

ALASKA STATUTES

[11.41.100-11.41.530](#) *Offenses Against the Person*

[11.61.210](#) *Misconduct involving weapons in the fourth degree*

[11.81.900](#) *Definitions*

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

[Harassment in the second degree](#)

ALASKA ADMINISTRATIVE CODE

[4 AAC 07.010 - 4 AAC 07.900](#) *Student Rights and Responsibilities*

Revised: (Date of Revision)

Adopted: April 28, 2004

Northwest Arctic Borough School District

MEMORANDUM

TO: NWABSD Board of Education
Members

DATE: June 6, 2023

NUMBER: 23-125

FR: Office of the Superintendent

SUBJECT: Approval of Proposed
Revisions to BP 5131.43,
Students, Harassment,
Intimidation and Bullying;
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 5131.43, Students, Harassment, Intimidation and Bullying 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 5131.43, Students, Harassment, Intimidation and Bullying.

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 5131.43, Students, Harassment, Intimidation and Bullying as presented and open for public comments;
2. Do not approve first reading to the proposed revisions to BP 5131.43 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 5131.43, Students, Harassment, Intimidation and Bullying as presented and open for public comments.

BP 5131.43 HARASSMENT, INTIMIDATION AND BULLYING

Note: ~~Districts must have~~ ~~In 2006, HB 482 was passed requiring districts to have in place by July 1, 2007~~ a policy prohibiting the harassment, intimidation, or bullying of any student. ~~-AS 14.33.200-.250.~~

The School Board is dedicated to providing a safe and civil learning environment. Harassment, intimidation and bullying disrupt a ~~student's~~ student's ability to learn and a ~~school's~~ school's ability to educate. Students and staff are expected to demonstrate positive character traits and values. Conduct and speech must be civil and respectful in order to promote harmonious and courteous relations in the school environment.

(cf. 5137 -- Positive School Climate)

Note: ~~Disability-based harassment or bullying may deny a student equal educational opportunities under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA). Harassment or bullying of a student with a disability, on any basis, may also adversely impact the school's provision of FAPE to the student, under the Individuals with Disabilities Education Act (IDEA) and under Section 504. (See Dear Colleague Letter, Office for Civil Rights, October 21, 2014). A school's inappropriate response to bullying or harassment of a student, based on a disability, may constitute a disability-based harassment violation, by the school, under Section 504 and the ADA. Schools should address all harassment and bullying of students with disabilities by taking prompt and effective steps reasonably calculated to end the bullying or harassment, eliminate the hostile environment, prevent it from recurring, investigate if the student's receipt of appropriate services may have been affected by the bullying (if student receives IDEA or Section 504 services) and, as appropriate, remedy its effects.~~

Students, staff and volunteers are prohibited from engaging in any form of harassment, intimidation, or bullying while on school property, on school buses, at the bus stop, or at school-sponsored activities or functions. Students who engage in such acts are subject to appropriate disciplinary action, up to and including suspension or expulsion. Staff who engage in acts of harassment, intimidation or bullying are also subject to appropriate disciplinary action up to and including suspension and termination. Volunteers who engage in such acts will be denied the opportunity to volunteer in the future.

To promote an environment free of harassment, intimidation, or bullying, the ~~principal~~ administrator or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff inservice and student instruction and counseling. Teachers shall discuss this policy with their students in age appropriate ways and assure students that they need not endure any form of harassment, intimidation, or bullying.

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

The district will provide parent and community information, and age-appropriate student instruction, on how to identify, respond to, and prevent harassment, intimidation, and bullying.

(cf. 5131.5 — Vandalism, Theft and Graffiti)

(c.f. 5144 - Discipline)

(c.f. 5144.1 — Suspension and Expulsion)

Harassment, Intimidation and Bullying Defined

Harassment, intimidation, or bullying means an intentional act, whether written, oral, electronic or physical, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and

1. physically harms the student or damages the student's property;
2. has the effect of substantially interfering with the student's education;
3. is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
4. has the effect of substantially disrupting the orderly operation of the school.

(c.f. 5145.3 — Nondiscrimination)

Cyberbullying

Note: Technological advances have expanded the ways in which harassment, intimidation, or bullying can occur, including the ability to bully with anonymity and to reach a much broader audience. This language notifies students and staff that cyberbullying is not permitted and will result in disciplinary action. It is a crime, (harassment in the second degree) to repeatedly send or publish an electronic communication that insults, taunts, challenges, or intimidates a person under 18 years of age in a manner that places the person in reasonable fear of physical injury, if done with intent to harass or annoy another person. (a)

All forms of harassment, intimidation or bullying via electronic means, commonly referred to as cyberbullying, are prohibited. Cyberbullying also includes, but is not limited to, other misuses of technology to threaten, harass, intimidate, or bully, including sending or posting inappropriate email messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs. An individual who redistributes a cyberbullying communication can be found in violation of this policy, even if the individual did not author or create the original communication or image.

The ~~district's~~ computer network, including access to the Internet via that network, whether accessed on campus or off campus, during or after school hours, may not be used for the purpose of harassment, intimidation, or bullying. Users are responsible for the appropriateness of the material they transmit over the system.

In situations in which the cyberbullying originates from a private (non-school) computer or other electronic device, but is brought to the attention of school officials, disciplinary measures may be imposed when the communication:

1. Is of a criminal nature, including but not limited to, ~~Contains~~ threats of violence or harm against staff members, students, or their property;
2. Suggests or advocates physical harm to staff members or students;
3. Causes a student or staff member to experience a substantially detrimental effect on his or her physical or mental health;
4. Causes a student or staff member to experience substantial interference with academic or work performance, or with his or her ability to participate in or benefit from district services or activities;
5. Threatens vandalism to school property; or
6. Creates a significant disruption to the ~~school's~~ educational mission, purpose or objectives.

Disciplinary action may include, but is not limited to, the loss of computer privileges, detention, suspension, or expulsion for those committing acts of cyberbullying. In addition, any kind of threat or hate crime will be reported to law enforcement officials.

Students and staff who believe they have been the victims of cyberbullying, as described in this policy, should not erase the offending material from the system. A copy of the material should be printed and a report made under following this policy.

(cf. 6161.4 ~~--~~ Internet)

(cf. 6161.5 ~~--~~ Web Sites / Pages)

Reporting

<p><u>Note: A school employee, student or volunteer who makes a good faith report of harassment, intimidation, or bullying is entitled to statutory immunity from suit. The immunity extends to causes of action for damages arising from a failure to remedy the reported incident or for making the report. -AS 14.33.230.</u></p>
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Students or staff members who have witnessed or have reliable information that a student has been subjected to harassment, intimidation or bullying should report the incident immediately to the ~~principal~~ administrator or his/her designee, who shall promptly initiate an investigation. The investigation shall include an assessment of what actions should be taken, as appropriate, to protect the student who has been found to be the victim of harassment, intimidation or bullying. Such actions may include the

provision of support services necessary to permit the student to feel safe and secure in attending school. The Superintendent/Chief School Administrator shall develop procedures to implement this policy.

Response

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, the following factors should be considered:

1. the development and maturity levels of the parties involved;
2. the level of harm;
3. the surrounding circumstances;
4. past incidences or past continuing patterns of behavior;
5. the relationships between the parties involved;
6. the level of disruption in or interference with the orderly operation of the school.

This policy should not be interpreted to prohibit a reasoned and civil exchange of opinions or debate that is protected by law and School Board policy.

(c.f. 5145.2 — Freedom of Speech/Expression)

Conduct that does not rise to the level of harassment, intimidation or bullying may still be prohibited by other policies or rules.

(cf. 5131 — Conduct)

(cf. 5131.4 — Campus Disturbances)

(cf. 5131.41 — Violent and Aggressive Conduct)

(cf. 5131.42 — Threats of Violence)

(cf. 5131.5 — Vandalism, Theft & Graffiti)

(cf. 5137 — Positive School Climate)

Legal Reference:

ALASKA STATUTES

[14.33.200](#) *Harassment, intimidation and bullying policy*

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

[14.33.220](#) *Reporting, no reprisals*

[14.33.230](#) *Immunity from suit*

[14.33.250](#) *Definitions*

Harassment in the second degree

CODE OF FEDERAL REGULATIONS

, Title II of the Americans with Disabilities Act of 1990 (ADA)

, Section 504 of the Rehabilitation Act of 1973 (Section 504)

, Individuals with Disabilities Education Act of 1975 (IDEA)

Revised: January 29, 2008, *November 27, 2012, (Date of Revision)*

~~*November 27, 2012*~~

Adopted: March 27, 2007

Northwest Arctic Borough School District

BP 5131.6 ALCOHOL AND OTHER DRUGS

Note: Districts must have in place written standards to address the needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program. [-AS 14.33.120\(a\)\(6\)](#). In addition, districts receiving funds for prevention programs pursuant to the Drug-Free Schools and Community Act of 1986, as amended by the [Every Student Succeeds of 2015](#) ~~No Child Left Behind Act of 2001~~, are required to have a policy on drug abuse prevention instruction and procedures for eliminating the sale or use of alcohol and other drugs. [ESSA-NCLB](#) also requires that those districts inform and involve parents in violence and drug prevention efforts. Districts must make reasonable efforts to inform parents of the content of safe and drug-free school programs and activities other than classroom instruction. If a parent objects in writing, the district must withdraw the student from the program or activity. [-AS 14.30.360](#) encourages districts to provide K-12 health education, including alcohol and drug abuse education. The following sample policy may be revised as appropriate. Note: Despite the passage of [-AS 17.38](#), effective February of 2015, which authorizes the use of marijuana under certain conditions, all use, possession and distribution of marijuana by those under 21 is illegal. In addition, as a recipient of federal funds, the district is obligated to maintain a drug-free workplace consistent with federal law, which prohibits the manufacture, distribution, possession and sale of marijuana for all individuals, regardless of age. For purposes of the ~~district's~~ ~~district's~~ policy and legal obligation, marijuana is prohibited.

(cf. E 4020 ~~--Drug and Alcohol -- Free Workplace Notice to Employees~~)

Because the use of alcohol and other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences, the School Board intends to keep district schools free of alcohol and prohibited drugs.

Alcohol, marijuana, and other controlled substances are prohibited for use or possession by students. The School Board desires that every effort be made to reduce the chances that our students will begin or continue the use of alcohol and other drugs. The Superintendent or designee shall develop a comprehensive prevention program that includes instruction, intervention, recovering student support, and enforcement/discipline. The Superintendent or designee shall clearly communicate to students, staff and parents/guardians all School Board policies, regulations, procedures and school rules related to this prevention program. Special efforts shall be made to ensure that these materials are understood by parents/guardians and students of limited literacy or limited English proficiency.

Note: Drug use by students is not limited to illegal drugs and can also include abuse of prescription drugs and over-the-counter medications. There is also a growing problem of youth using what are commonly referred to as designer or synthetic drugs. Designer or synthetic drugs come in various forms and may be a chemical

compound, a plant-based substance, or a combination. Common names for these drugs include bath salts, K2, spice, salvia, and synthetic marijuana. These drugs have serious and dangerous effects. Synthetic marijuana is an illegal substance in Alaska. [AS 11.71.040-.050](#), [11.71.160](#). The following optional language prohibits the possession, use, or distribution of "prohibited drugs," which includes all dangerous substances that pose a risk to district students.

Specifically, the Board prohibits the actual or attempted sale, distribution, use, or possession by a student of alcohol, prohibited drugs or inhalants, drug paraphernalia, substances that are designed to look or act like prohibited drugs or alcohol, or substances purported to be prohibited drugs or alcohol. Prohibited drugs are defined as:

1. Drugs that are illegal if possessed by those under 21, under any local, state, or federal law; or any drug that can be legally obtained but which has been obtained through illegal means.
2. Alternatives to illegal drugs such as designer or synthetic drugs, whether or not prohibited by law, which are purported to, designed to, or which do impair, restrict, or alter normal cognitive function when absorbed, ingested, injected, or inhaled.
3. Prescription drugs that are not legally obtained or prescribed, are not being used for the prescribed purpose, are being used in excess of the prescribed amount, are being used by other than the person to whom prescribed, or are being sold, traded or distributed.

Recognizing that keeping schools free of alcohol and other drugs is a concern common to the district and community, the School Board supports cooperation among schools, parents/guardians, law enforcement and other appropriate community organizations involved in preventing alcohol and drug abuse.

(cf. 1410 Interagency Cooperation for Student & Staff Safety)

Note: Districts are required to establish a citizen advisory committee in order to receive [Public Law 99-570](#) funds. Additionally, [AS 14.33.110](#) requires that the school disciplinary and safety program maintain community standards of school behavior that are developed by members of each school, including students, parents, teachers, school administrators, and other responsible persons.

To obtain the widest possible input and support for district policies and programs, the School Board shall appoint a districtwide school-community advisory committee to make recommendations related to the prevention of alcohol and other drug abuse. The committee should make its recommendations based on input from students, parents, teachers, school administrators, and community members. The School Board also encourages the use of site-level advisory groups in this area.

(cf. 1220 - Citizen Advisory Committees)

Instruction

The district shall provide preventative instruction which helps students avoid the use of alcohol, marijuana, or other drugs and teaches students how to influence their peers to avoid and/or discontinue the use of alcohol or drugs. Instruction shall be designed to answer students' questions related to alcohol and drugs.

The instructional programs will help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and drugs.

The curriculum will be K-12, comprehensive and sequential in nature and suited to meet the needs of students at their respective grade levels. All instruction and related materials shall stress the concept that alcohol and prohibited drugs can be dangerous and should never be used when such use is illegal.

The School Board encourages staff to display attitudes and behaviors which make them positive role models for students with regard to alcohol, marijuana and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

The School Board recognizes that children exposed to alcohol or other drugs prior to birth may have disabilities requiring special attention and modifications in the regular education program. The Superintendent or designee shall provide appropriate staff training in the needs of such students as required by law.

Note: [AS 14.20.680](#) requires training for teachers, administrators, counselors and specialists on the needs of students with alcohol or drug-related disabilities, including medical and psychological characteristics, family issues, and specific educational needs.

(cf. 6142.2 - AIDS Instruction)

(cf. 6143 - Courses of Study)

(cf. 6159 - Individualized Education Program)

Intervention

The School Board recognizes that there are students on our campuses who use alcohol and other drugs and can benefit from intervention. The School Board supports intervention programs that include the involvement of students, parents/guardians and community agencies/organizations.

School personnel should be trained to identify symptoms which may indicate use of alcohol and other drugs. The Superintendent or designee shall identify responsibilities of staff in working with, intervening, and reporting students suspected of alcohol and other drug use.

Students and parents/guardians shall be informed about the signs of alcohol and other drug use and about appropriate agencies offering counseling.

Nonpunitive Self-Referral

The School Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who self-disclose past use of alcohol or other drugs in order to seek help to quit using shall not be punished or disciplined for such past use. State and local extra-curricular activities eligibility rules may apply further conditions related to the admission of drug or alcohol use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and prohibited drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. Students possessing, selling and/or using alcohol, marijuana or other drugs or related paraphernalia shall be subject to disciplinary procedures which may result in suspension or expulsion.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

School authorities may search students and school properties, such as student lockers, for the possession of alcohol, marijuana and other drugs as long as such searches are conducted in accordance with law.

(cf. 5145.12 - Search and Seizure)

Legal Reference:

ALASKA STATUTES

[04.16.080](#) *Sales or consumption at school events*

[14.20.680](#) *Required alcohol and drug related disabilities training*

[14.30.360](#) *Curriculum (Health and Safety Education)*

[14.33.110-140](#) *Required school disciplinary and safety program*

[17.38.010-900](#) *The regulation of marijuana*

[47.37.045](#) *Community action against substance abuse grant fund*

UNITED STATES CODE

*Elementary and Secondary Education Act of 1965, [20 U.S.C. §§ 7116, 7163](#),
as amended by the [Every Student Succeeds of 2015](#)~~No Child Left Behind~~
Act of 2001 ([P.L. 107-110](#).)*

~~*Revised: November 17, 2015*~~

Adopted: April 28, 2004

Revised: November 17, 2015, (Date Revised)

Northwest Arctic Borough School District

BP 5131.62 TOBACCO

Note: AS 18.35.20 prohibits the designation of smoking sections for students. It is unlawful for minors to give, sell, use, or possess cigarettes or other tobacco products. AS 11.76.100-.105. Minors include all persons under 19 years of age.

Tobacco useSmoking presents a health hazard ~~with which can have~~ serious consequences both for ~~tobacco users~~~~the smoker~~ and ~~non-users alike~~~~the nonsmoker~~. Students shall not be allowed to smoke, vape, chew or possess tobacco or nicotine products on school property or during school hours, at school-sponsored events, or under the supervision of district employees. ~~Students who violate this policy shall be subject to disciplinary procedures which may result in suspension from school.~~

For the purposes of this policy, "tobacco" is defined to include tobacco in any form and/or any nicotine delivering devices. This does not include FDA approved nicotine replacement therapy products used for the purpose of cessation.

Clothing, bags, hats and other personal items used by students to display, promote or advertise tobacco products are prohibited on district grounds, at school-sponsored activities or in district vehicles. Tobacco advertising is prohibited in all school-sponsored publications, in all school buildings, and at all school-sponsored events. District acceptance of gifts or funds from the tobacco industry is similarly prohibited.

Student violations of this policy will lead to disciplinary action up to and including suspension. The district may provide positive alternatives to suspension, such as in-school suspension, tobacco educational programs, school and community service, and promotion of cessation resources. Students may also be subject to removal from any or all extracurricular activities and/or denial or forfeiture of school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, school sponsored travel etc.). A referral to law enforcement may be made. Parents shall be notified of all violations involving their student and action taken by the school.

The District may provide instruction regarding the effects of tobacco use on the human body and may take steps to discourage students from tobacco use.

Staff responsible for teaching tobacco use prevention will be encouraged when funds/resources allow to collaborate with agencies and groups that conduct tobacco use prevention education and to participate in ongoing professional development activities that provide basic knowledge about the effects of tobacco use, effective instructional techniques and program-specific activities. As part of the district's tobacco use prevention activities, the Superintendent shall recommend to the curriculum committee the use of evidence-based instructional programs as recommended by the Centers for Disease Control and Prevention, or approved by the Substance Abuse and Mental Health Services Administration (SAMHSA). Programs will be integrated within the health education program and be age- and developmentally-appropriate. Instruction should be

provided at every level, pre-kindergarten through grade 12, with particular emphasis on grades six through eight.

(cf. 5144.1 - Suspension and Expulsion)

Note: AS 14.30.360 encourages the establishment of a comprehensive health education program.

~~The Board may provide instruction regarding the effects of smoking on the human body and may take steps to discourage students to smoking.~~

(cf. 51423514 - Safety)

(cf. 3513.3 - Tobacco-free Schools/Smoking)

Legal Reference:

ALASKA STATUTES

11.76.100-.105 Selling or giving tobacco to a minor; possession of tobacco by a minor

14.30.360 Curriculum (Health and Safety Education)

18.35.300 - 18.35.330 Health nuisances (smoking)

Adopted: April 28, 2004

Revised: (Date of Revision)

Northwest Arctic Borough School District

BP 5141.4 CHILD ABUSE AND NEGLECT

Note: [-AS 14.08.111](#) and [AS 14.14.090](#) require districts to provide mandatory reporters with training in the recognition and reporting of child abuse and neglect. Pursuant to [AS 47.17.020](#), teachers, school administrators, and paid athletic coaches are mandated to report child abuse and neglect. New employees required to report are to be trained on this obligation within 45 days after the first day of employment. [-AS 47.17.022](#). A school district providing training shall provide notice of the training to public and private schools in the district and invite volunteers who are required to report to participate in the training at no cost to the volunteer. Effective June 30, 2017, volunteers who interact with children in public or private school for more than four hours a week are also mandatory reporters of child abuse. [-AS 18.66.310](#) requires school districts to offer continuing education at least once every two years on domestic violence for mandatory reporter employees.

Abuse and neglect affects the well-being of students. Teachers, school administrators, ~~paid~~-athletic coaches and volunteers who interact with children in a school for more than four hours a week shall be trained on the recognition and reporting of child abuse and neglect in accordance with state law. ~~An athletic coach who is a~~ An unpaid volunteer is not required to report child abuse or neglect unless the ~~coach~~ volunteers for more than 4 hours a week for 4 consecutive weeks, or for 20 hours a week in a one month period, has received training, and signed a form acknowledging the obligation to report. District employees shall cooperate with the child protective agencies responsible for reporting, investigating and prosecuting cases of child abuse.

(cf. 4131 ~~— Staff Development~~).

[\(cf. 5141.42 - Professional Boundaries for staff and students\)](#)

The district shall provide notice of child abuse and neglect mandatory reporter training to all public and private schools in the district, [in addition to the training set forth in BP/AR 5141.42, Professional Boundaries for staff and students.](#) All mandatory reporters, including qualifying volunteers, are invited to participate in the training at no cost.

Note: Many school employees may encounter child abuse and neglect. The following optional language expands the number of school employees offered training in child abuse recognition and reporting. It may be revised or deleted as desired.
[Note: Pursuant to AS 47.17.068, failing to report child abuse or neglect mandated by law is a misdemeanor if the person knew or should have known that circumstances gave rise to the need for a report.](#)

~~In addition to the required training provided above, the Superintendent or designee may invite classified personnel who have regular contact with students to participate in child abuse and neglect training. Classified personnel should immediately report instances of suspected child abuse or neglect to the site administrator.~~

~~**Note:** Pursuant to AS 47.17.068, failing to report child abuse or neglect mandated by law is a misdemeanor if the person knew or should have known that circumstances gave rise to the need for a report.~~

Legal Reference:

ALASKA STATUTES

14.08.111 Duties (Regional school boards)

14.14.090 Additional duties

18.66.310 Continuing education for public employees, court system employees, and for prosecuting authorities.

47.17.010-47.17.070 Child protection

Revised: November 22, 2016, (Date of Revision)

Adopted: April 28, 2004

Northwest Arctic Borough School District

BP 5144.1 SUSPENSION AND EXPULSION

Note: [4 AAC 07.010](#) mandates district policies on substantive and procedural matters related to student behavior, treatment and discipline.

The School Board recognizes that maintaining an environment which promotes learning and protects the health, safety, and welfare of all students may require the suspension or expulsion of a student from regular classroom instruction. District policies and school site rules shall clearly identify student behavior standards.

(cf. 5131 - Student Conduct)

(cf. 5144 - Discipline)

(cf. 6154 - Homework/Make-up Work)

The Superintendent or designee or principal administrator may impose suspension when other means of correction fail to bring about proper conduct or for serious misconduct.

The School Board may expel a student for severe or prolonged breaches of discipline. Except for single acts of a grave nature, expulsion is usually used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to other students.

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the suspension or expulsion.

The School Board shall provide for the fair treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall specify procedures for notices and appeals.

(cf. 3514 - Safety)

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

(cf. 6164.3 - Student Mental Health - Medication and Services)

Legal Reference:

ALASKA STATUTES

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

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

[14.30.047](#) *Admission or readmission, when cause no longer exists*

[Communications not prohibited](#)

ALASKA ADMINISTRATIVE CODE

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

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

U.S. SUPREME COURT

[Goss v. Lopez](#), 419 U.S. 565 (1975)

Revision: (Date of Revision)

Adopted: April 28, 2004

Northwest Arctic Borough School District

BP 5145.7 SEXUAL HARASSMENT

Note: In 1999, the U.S. Supreme Court ruled that a school district can be liable under Title IX when staff members ignore student-to-student sexual harassment. The court found that school districts can be liable when school officials know about and are deliberately indifferent to sexual harassment “so severe, pervasive, and objectively offensive that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school.” This ruling makes it more important than ever to educate students and staff on preventing and handling student-to-student sexual harassment. By setting a liability standard based on “deliberate indifference,” the Court has made it possible for school districts to mount a defense based on a policy defining and prohibiting sexual harassment and a grievance procedure that is readily accessible to students.

~~*Note: Districts should be aware that when a student misses school or withdraws from a course to avoid sexual harassment, he/she may be deprived of equal educational opportunities.*~~

Note: Districts should be aware that when a student misses school or withdraws from a course to avoid sexual harassment, he/she may be deprived of equal educational opportunities.

The School Board recognizes that sexual harassment can cause embarrassment, feelings of powerlessness, loss of self-confidence, reduced ability to perform schoolwork, and increased absenteeism or tardiness.

To promote an environment free of sexual harassment, the principal administrator or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff inservice or student instruction and counseling. Teachers shall discuss this policy with their students in age-appropriate ways and shall assure them that they need not endure any form of sexual harassment.

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5137 - Positive School Climate)

The Board shall not tolerate the sexual harassment of any student by any other student or any district employee. Any student or employee who is found guilty of sexual harassment shall be subject to disciplinary action up to and including suspension or termination.

(cf. 4119.11 - Sexual Harassment)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

Students or staff should immediately report incidences of sexual harassment to the ~~principal~~administrator or designee. The Superintendent or designee shall promptly investigate each complaint of sexual harassment in a way that ensures the privacy of all parties concerned. In no case shall the student be required to resolve the complaint directly with the offending person.

Notice of this policy will be circulated to all district schools and departments and incorporated in teacher and student handbooks.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Complaints Concerning Discrimination)

Legal Reference:

U.S. SUPREME COURT

Davis v. Monroe County Bd. of Educ., 119 S.Ct. 1661 (1999)

Ellison v. Brady, 924 F.2d 872 (9th Cir., 1991)

Franklin v. Gwinnett, 503 U.S. 60 (1992)

Meritor Savings Bank v. Vision, 477 U.S. 57 (1986)

Revision: (Date of Revision)

Adopted: April 28, 2004

Northwest Arctic Borough School District

BP 6141.3 CULTURALLY RESPONSIVE~~MULTICULTURAL~~ EDUCATION

Note: The following optional policy may be revised or deleted as needed. -A.S. 14.20.020 requires multicultural training for issuance of teaching certificates. -A.S. 14.20.035 gives preference in hiring persons with training or experience in cultures represented in the student population.

The School Board recognizes that America has always been a multicultural society composed of diverse peoples who came here from all parts of the globe and are indigenous to these lands. Many regions of Alaska are still predominately composed of Alaska's indigenous peoples. Public schools are the most common shared experience for most Americans, and ~~it is the job of the~~ schools ~~shall~~to accurately reflect and respond to the needs and the contributions of all ethnic groups, which comprise the student body and staff~~to the common culture~~.

The School Board recognizes that a culturally responsive education that is effectively implemented through culturally proficient instruction can provide the maximum opportunity for students to attain academic and social success. Culturally responsive teaching practices can assist educators in bridging differences in language, heritage, ethnicity, socio-economic status, historical trauma and ability.

School staff and students~~Students~~ must learn to respect and work cooperatively with persons of all backgrounds. Culturally proficient and responsive instruction will promote student recognition of~~Instruction should help students realize~~ the value of individual differences as well as the human dignity and worth common to all people.

The Superintendent or designee shall develop guidance on how to best serve the needs of the student population. The cultural needs of students are an important consideration in policies on curriculum and materials, onboarding and orientation, school climate, language instruction, and access to cultural content.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5137 - Positive School Climate)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

(cf. 6174 - Bilingual-Bicultural Education)

Legal Reference:

ALASKA STATUTES

14.20.020 Requirements for issuance of certificate

14.20.035 Evaluation of training and experience

Resource:

Alaska Standards for Culturally Responsive Schools

Adopted: April 28, 2004

Revised: (Date of Revision)

Northwest Arctic Borough School District

BP 6142.1 FAMILY LIFE/SEX EDUCATION

Note: The following optional policy may be revised or deleted based on district philosophy and needs.

~~**Note:** For districts receiving federal funds, section 7906 of the Every Student Succeeds Act sets limitations on how districts approach sexual subject matter and sex education. The law requires that federal funds not be used to (1) develop or distribute materials or programs that encourage or promote sexual activity, (2) distribute or aid in the distribution by any organization of obscene materials to minors on school grounds, (3) provide sex education or HIV prevention education unless that instruction is age appropriate and includes the health benefits of abstinence, or (4) operate a program of contraceptive distribution in schools. Non-federal funds may be used for these activities.~~

Note: For districts receiving federal funds, section 7906 of the Every Student Succeeds Act sets limitations on how districts approach sexual subject matter and sex education. The law requires that federal funds not be used to (1) develop or distribute materials or programs that encourage or promote sexual activity, (2) distribute or aid in the distribution by any organization of obscene materials to minors on school grounds, (3) provide sex education or HIV prevention education unless that instruction is age appropriate and includes the health benefits of abstinence, or (4) operate a program of contraceptive distribution in schools. Non-federal funds may be used for these activities.

The School Board believes that a ~~wholesome~~ holistic, well-planned ~~sequential~~ sequence of instruction about family life and human sexuality is essential to the general education of all students. Lack of information or pervasive misinformation can cause low self-esteem, increased risk for sexually transmitted ~~diseases~~ disease, unintended pregnancy or sterility, and school dropout. The district curriculum shall help students understand the biological, psychological, social, moral, and ethical aspects of human sexuality.

(cf. 5141.41 — Sexual Abuse, Sexual Assault and Dating Violence Awareness and Prevention)

~~(cf. 6020 – Parent Involvement)~~

(cf. 6141 - Curriculum Development and Evaluation)

(cf. ~~6142.2~~ — AIDS Instruction)

The family life/sex education program shall ~~include~~ encourage students to be abstinent and to conceptualize sexual behavior in the health benefit ~~ethical and moral context~~ of abstinence. marriage. The program shall be age-appropriate and shall address a full range of topics, including parenting and birth control, and shall emphasize that abstinence from sex is the only totally effective protection against unwanted pregnancy and sexually transmitted diseases.

~~Classes or programs in sex education, human reproduction education, or human sexuality education may only be instructed by a certificated teacher employed by or contracted with the district, or by an individual approved by the School Board who is supervised by a certificated teacher of the district.~~

The Superintendent or designee will inform district curriculum specialists, those who teach sex education, school nurses, and other appropriate school staff of federal funding restrictions regarding the distribution of contraceptives and the development and distribution of materials that may promote or encourage sexual activities. Teachers who provide instruction in family life/sex education shall have professional preparation, either preservice or inservice, in the subject area.

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

~~Before curriculum, literature, or materials related to sex education, human reproduction education, or human sexuality education may be used in a class or distributed in a school, the materials shall be approved by the School Board and made available for parents to review.~~

The Superintendent or designee shall ensure that family life/sex education materials and instruction are continuously evaluated in light of information received from students, parents/guardians, and teachers, including information about what students did or did not learn, whether the program was workable for the teachers, and how it can be improved.

The Superintendent or designee may appoint a Family Life/Sex Education Advisory Committee representing a divergence of viewpoints to participate in planning, implementing and evaluating the district's family life/sex education program.

(cf. 1220 - Advisory Committees)

Parents/guardians shall be notified in writing at least two weeks before students are offered any instruction in which, description, illustration, or discussion on human reproduction or sexual matters, including human reproductive organs and their functions, processes, or diseases are described, illustrated, or discussed. This notification shall inform parents/guardians that they may review instructional materials to be used in family life, sex education instruction, ~~may review the credentials of any presenter who is not a certified teacher of the district~~ and that they may request in writing that their child not attend the class. At the parent/guardian's request, any student may be excused from any part of family life/sex education instruction. ~~This notification requirement does not apply to the curricula or materials for the training mandated under [AS 14.30.355-356](#).~~ At the parent/guardian's request, any student may be excused from any part of family life/sex education instruction.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

~~(cf. 6020—Parent Involvement)~~

Legal Reference:

ALASKA STATUTES

[14.30.016](#) A parent's right to direct the education of the parent's child

[14.30.361](#) Sex education, human reproductive education, and human sexuality education

[14.30.355](#) Sexual abuse and sexual assault awareness and prevention

[14.30.356](#) Dating violence and abuse policy, training, awareness, prevention, and notices

[14.30.360](#) Curriculum

UNITED STATES CODE

Elementary and Secondary Education Act, [20 U.S.C. §7906](#), as amended by the Every Student Succeeds Act ([P.L. 114-95](#) December 10, 2015)

Revised: June 2017

~~September 9/26, /2017~~

Adopted: April 28, 2004

Northwest Arctic Borough School District

BP 6145.22 CONCUSSION IN STUDENT ATHLETES

Note: Effective August 25, 2011, [AS 14.30.142-.143](#) requires school districts to have a program for the prevention and management of concussions in student athletes. A concussion is a brain injury but the effects of concussion can be mitigated by prompt recognition and appropriate response. The statutes require school districts to consult with the Alaska School Activities Association ("ASAA") to develop and publish guidelines to educate coaches, students, and parents about the risks of concussion, and to develop standards for return to play. ASAA guidelines are incorporated into this policy and the accompanying AR. The law also requires annual dissemination of information to parents and athletes, verification of receipt of that information prior to participation, and specific procedures for removal and return to play of a student suspected of having a concussion.-

The Board recognizes that students who participate in sports and other recreational activities are at risk for concussion. The Board promotes student, parent, and staff awareness of the risks of concussion and directs appropriate concussion management procedures to improve the health and safety of student athletes.

A concussion is a traumatic brain injury resulting from a forceful blow to the head or body that results in rapid movement of the head, causing any change in behavior, thinking, or physical functioning. The likelihood of serious injury increases when a concussion is not properly identified, evaluated, and managed.

(cf. 6145 - Extra Curricular and Co-Curricular Activities)

(cf. 5141 - Health care and Emergencies)

Risk Awareness and Education

The Superintendent will develop appropriate concussion management procedures to help ensure a safe and healthy athletic experience. These procedures shall include guidelines and other information to educate coaches, student athletes, and their parents/guardians of the nature and risk of concussion, including the dangers associated with returning to play before a concussion is fully healed.

On an annual basis, the District will distribute a concussion fact sheet to students participating in District-sponsored sports, and to their parents/guardians. The student and parent/guardian must return a signed, written acknowledgement indicating they have reviewed and understand the information. The written acknowledgement must be received by the athlete and parent/guardian prior to the athlete's participation in any District-sponsored practice or competition.

Removal and Return-To-Play

Note: Effective July 1, 2015, an athletic trainer is required to be licensed under unless certain conditions apply. A coach or fitness trainer is not required to be licensed if he/she 1) does not use the title "athletic trainer," "licensed athletic trainer," "certified athletic trainer," "athletic trainer certified," "A.T.," "A.T.L.," "C.A.T.," "A.T.C.," or any combination; and 2) is acting within the scope of the person's duties as a coach or fitness trainer. (c). ~~Note: AS 14.30.142(d) requires that an athlete be evaluated and cleared for participation "in writing by an athletic trainer or other a qualified person who has received training and is currently certified, as verified in writing or electronically by the qualified person, in the evaluation and management of concussions."~~ ~~There is currently no recognized certification for the evaluation and management of concussions so districts should require that the qualified person be trained in the evaluation and management of concussions.~~ State law defines a "qualified person" as either a health care provider who is licensed in Alaska or exempt from licensure, or a person acting at the direction or under the supervision of a physician who is licensed in Alaska, or exempt from licensing under [AS 08.64.370\(1\), \(2\), or \(4\).](#)

The Superintendent's guidelines will include procedures for the immediate removal from practice or competition of a student who has signs of concussion. A student ~~has~~ who has been removed from participation may not return to participation in practice or game play~~the activity~~ until evaluated and cleared to do so by an athletic trainer or other a qualified person who is trained in the evaluation and management of concussions, as established by law. Because of the risks of returning to play prematurely, a student should gradually be returned to the activity.

Coaches Training

Note: [AS 14.30.142](#) provides that school districts are to work with ASAA to develop and publish guidelines and other information "to educate coaches[.]" ASAA recognizes that districts must individually decide how to implement and provide coaches training but requires that districts shall ensure training for coaches at least every three years, on the same cycle as the required Sports First Aid certification.

All coaches, including volunteer coaches, will complete training in the evaluation and management of concussions as specified in District procedures.

Legal Reference:

ALASKA STATUTES

[AS 14.30.142](#) Concussions in student athletes: prevention and reporting

[AS 14.30.143](#) Concussions in student athletes: school district immunity

Resources:

AASA Concussion Information

Adopted: November 27, 2012

Revised: (Date of Revision)

Northwest Arctic Borough School District

BP 6145.5 STUDENT ORGANIZATIONS AND EQUAL ACCESS

Note: If a public secondary school allows one or more noncurriculum-related groups to meet on school premises during noninstructional time, the federal Equal Access Act (Title VII, Public Law 98-377) states that any other student-initiated group also must be allowed to meet in a "limited open forum" without regard to its religious, political or philosophical views. As amended by the No Child Left Behind Act of 2001 and the Every Student Succeeds Act, after adopting a facility use policy, districts must ensure that the policy is applied equitably to all groups, including the Boy Scouts and other affiliated groups. Option #1 below may be used by districts that have a limited open forum. Option #2 is for districts that have established a "closed forum," permitting access only to student organizations that are tied directly to the curriculum. In that elementary schools are not addressed by the Equal Access Act, elementary districts may use and/or modify language from either option without regard to establishing open or closed forum.

Closed Forum

The School Board believes that curriculum-related student organizations have an important place in students' lives. Besides extending and reinforcing the instructional program, such groups can enhance students' social development, give them practice in democratic self-government, and honor outstanding student achievement.

All student organizations must be approved by the School Board and officially sponsored by the school. In order to maintain a closed forum on school campuses, these groups must relate directly to the curriculum in accordance with law.

(cf. 1321 - Solicitation of funds)

(cf. 1325 - Advertising and Promotion)

(cf. 1330 - Use of School Facilities)

(cf. 3452 - Student Activity Funds)

(cf. 3554 - Other Food Sales)

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

ALASKA STATUTES

[14.03.060](#) Elementary, junior high, and secondary schools

[14.30.510](#) ~~TITLE-Alaska student leadership development fund~~

UNITED STATES CODE

~~Title VII - THE EQUAL ACCESS ACT OF 1984, The Equal Access Act, 20 U.S.C.A. Section 4071 et seq., as amended by the Every Student Succeeds of 2015 No Child Left Behind Act, of 2001, 20 U.S.C. § 7905~~

U.S. SUPREME COURT

Prince v. Jacoby, 303 F.3d 1074 (9th Cir. 2002)

Board of Education of Westside Community Schools v. Mergens, 110 S.Ct. 2356 (1990)

Student Coalition for Peace v Lower Merion School, (1985) 776 F.2d 431 (3rd Cir. 1985)

Revised: (Date of Revision)

Adopted: April 28, 2004

Northwest Arctic Borough School District

BP 6159.1 PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: A parent of a child with a disability has specific rights or procedural safeguards under IDEA 2004. Alaska school districts are required to adopt the parents' rights statement developed by the Department of Education & Early Development, referred to as the *Notice of Procedural Safeguards*.

In order to protect the rights of students with disabilities and their parents/guardians, the district shall follow all procedural safeguards as set forth in law.

Parents/guardians shall receive written notice of their rights, including the right to a due process hearing for any dispute related to the identification, evaluation or educational placement of a child or the provision of a free, appropriate public education to the child.

(cf. 6150 - Individualized Education Program)

The Superintendent or designee shall represent the district in any due process hearings conducted with regard to district students and shall provide the School Board with the results of these hearings.

In addition to a due process hearing, parents/guardians shall have the right to file a complaint with the Alaska Department of Education and Early Development.

Legal Reference:

UNITED STATES CODE, TITLE 20

[20 USC 1232g](#) *Family Educational Rights and Privacy Act*

[20 USC 1400 - 1491](#) *Individuals with Disabilities Act*

[29 USC 794](#) UNITED STATES CODE, TITLE 29

Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

[34 CFR 99.10 - 99.22](#) *Inspection, review and procedures for amending education records*

[34 CFR 104.36](#) *Procedural safeguards*

[34 CFR 300.500 - 300.517](#) *Due process procedures for parents and children*

ALASKA STATUTES

[14.30.180 - 14.30.350](#), *Education for Exceptional Children*

ALASKA ADMINISTRATIVE CODE

[4 AAC 52.010 - 52.990](#), *Education for Exceptional Children*

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Northwest Arctic Borough School District

BP 6164.2 GUIDANCE AND COUNSELING SERVICES

Note: The following sample policy may be revised as appropriate to reflect district philosophy and needs. 4 AAC 51.330 requires districts to establish procedures for career and vocational guidance services, including dissemination of information about vocational programs and access to information regarding advanced training, employment or placement.

The School Board shall provide a counseling program to enhance academic achievement and emotional security. The Board recognizes that some students are in greater need of guidance than others. The counseling program shall serve students' diverse needs and shall encourage productive learning experiences.

Counselors shall make every effort to respect student confidentiality as appropriate and shall consult with the Superintendent or designee or with the district's legal counsel whenever unsure of how to respond to a student's personal problem. Parental consultation and consent for counseling shall be obtained as appropriate.

(cf. 5141 – Healthcare and Emergencies)

(cf. 6164.3 – Student Mental Health – Medication and Services)

Academic counseling shall help students establish immediate and long-range educational plans consistent with their individual needs, abilities, interests and aptitudes without regard to sex. Insofar as possible, parents/guardians shall be included when making these plans, and student placement shall not be limited by past grades and test scores. Minority, disadvantaged, low-income and other students shall not be automatically or systematically channeled into vocational or special education.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Note: Under the Every Student Succeeds, districts receiving federal funds must provide military recruiters the same access to students as is provided generally to post-secondary educational institutions and prospective employers.

Counseling staff shall help secondary students to plan for the future, become aware of their career potential, understand the business world and develop realistic perceptions of work. Academic planning for higher education shall include information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships. Post-secondary institutions, prospective employers, and military recruiters may be granted access to students as deemed appropriate by counseling staff and the building administrator.

Note: 4 AAC 06.530 requires districts to establish written procedures for the biennial training of guidance and counseling personnel in the recognition of sex bias in counseling materials in techniques for overcoming the effects of sex bias.

As required by law, the Superintendent or designee shall provide biennial training for guidance and counseling staff in recognizing and overcoming sex bias.

(cf. 5125 - Student Records)

(cf. 5141.4 - Child Abuse and Neglect)

(cf. 5141.52 - Suicide Prevention)

(cf. 6164.5 - Student Study Teams)

Legal Reference:

~~USUNITED STATES CODE~~

Elementary and Secondary Education Act, [20 U.S.C. §9528](#), as amended by the ~~No Child Left Behind Act of 2001~~ ([P.L. 107-110](#) ~~Every Student Succeeds Act of 2015,~~)

ALASKA STATUTES

[14.18.030](#) *Discrimination in counseling and guidance services prohibited*

[14.18.050](#) *Discrimination in course offerings prohibited*

~~Prohibited actions~~

~~Communications not prohibited~~

~~List of community resources~~

ALASKA ADMINISTRATIVE CODE

[4 AAC 06.530](#) *Guidance and counseling services*

[4 AAC 51.330](#) *Vocational guidance and placement*

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Northwest Arctic Borough School District