

**MEMORANDUM SRS-446**

To: School Board Members  
FROM: Office of the Superintendent  
DATE: March 25, 2008  
SUBJECT: School Board Policy Updates

The annual update of Board Policies from AASB were made available to administration on March 4, 2008. The recommended changes are listed on the attached pages.

**RECOMMENDED ACTION: Motion to approve the AASB Recommended FY 08 Board Policy (BP) and Board Bylaw (BB) updates in FIRST READING as presented.**

# AASB POLICY REFERENCE MANUAL UPDATE SERVICE

## 2008 UPDATE

### INSTRUCTION SHEET

NOTE: This packet includes only those policy manual pages that have been revised, deleted or newly established. Full text pages are included and are to be substituted for, or added, as indicated below.

| REPLACE/ADD | DESCRIPTION |  |
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#### **ARTICLE 0, Series 0000 – Philosophy – Goals – Objectives & Comprehensive Plans**

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| <b>BP 0500</b> |  | <u>REVIEW AND EVALUATION</u><br><br>A legal reference has been added to 4 AAC 06.812, Growth in Student Academic Performance. This is a new regulation adopted by the Department of Education and Early Development in 2007 which permits districts to determine adequately yearly progress by reference to growth in student academic performance. <b>No changes were required to the text of the policy.</b>   |
| <b>BP 0520</b> |  | <u>SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT</u><br><br>The introductory Note was revised to add reference to two additional regulations, 4 AAC 06.810 and 06.812 regarding adequate yearly progress. <b>No changes were required to the text of the policy.</b>  |
| <b>AR 0520</b> |  | <u>SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT</u><br><br>This regulation was revised to reflect 2007 changes by the Department of Education and Early Development to 4 AAC 06.845, School Improvement Plan. An additional requirement for school improvement plans has been added at numbered item 12. This additional requirement relates to proficiency and those measures the school will take to ensure that students remain proficient in future years. |

#### **ARTICLE 3, Series 3000 - Business & Noninstructional Operations**

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| <b>BP 3580</b> |  | <u>DISTRICT RECORDS</u><br><br>In 2007, the Department of Education and Early Development significantly updated and revised its <i>Model Records Retention Schedule for Alaska School Districts</i> . A reference to the model retention schedule has been added to the introductory Note. Optional language has been added to the policy for school boards who desire to adopt by reference the <i>Model</i> |
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|  |  | <p><i>Records Retention Schedule for Alaska School Districts</i> as the district’s records management system.</p> <p>A Note has been added explaining revisions to the 2007 Federal Rules of Civil Procedure relating to electronic discovery. Language has been added to the policy regarding steps required to be undertaken to preserve district records, including electronically stored information when there becomes a likelihood that potential litigation will occur. Language has also been added discussing electronic records specifically, including email, and the recommendation to store these records in an unaltered format.</p> <p>Language has also been added regarding the obligation of school districts to protect vital school district records from natural disasters or other destructive acts. Finally, language has been added under the section discussing confidentiality of district records to indicate that all district employees must guard against improper disclosure of confidential information. The legal reference section has been updated to provide reference to AS 14.03.115, Parental Access, and to the Alaska Constitution and federal laws.</p> <p><b>Changes to this policy will require formal board adoption.</b></p> |
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**ARTICLE 5, Series 5000 – Students**

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| <p><b>BP 5030</b></p> |  | <p><u>SCHOOL DISCIPLINE AND SAFETY</u></p> <p>This policy contains a cross-reference to BP 6164.4. The title of that policy has been changed to Child Find from its prior title, Identification of Individuals with Exceptional Needs. The name change has been reflected in this policy. <b>This is a “clean up” change only and will not require formal board adoption.</b></p>  |
| <p><b>AR 5125</b></p> |  | <p><u>STUDENT RECORDS</u></p> <p>This regulation was reviewed for consistency with the U.S. Department of Education’s 2007 Guidance Document that was issued following the Virginia Tech shootings. That Guidance Document indicates that FERPA is not intended to prevent schools from taking necessary steps to maintain school safety. Additionally, the entire regulation was updated and revised for clarity purposes and consistency with FERPA.</p> <p>Primary changes include the following:</p> <ul style="list-style-type: none"> <li>• Additional records and information have been identified as excluded from the term of “student records” and therefore not governed by FERPA. These additions include records created and maintained by the district’s law enforcement unit, and personal knowledge or observation of a school official. Both of these changes are intended to permit additional free sharing of information, especially in situations of emergency or student safety.</li> <li>• The definition of “parents” has been expanded upon to</li> </ul> |

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|                  |  | <p>explain that both parents have access to student records, even if a separation or divorce has occurred, unless there is a court order prohibiting a parent's access to school records specifically.</p> <ul style="list-style-type: none"> <li>• A definition of "school official" has been added, as well as a definition of "law enforcement unit personnel." This latter definition will require district review so that those individuals identified as a school district's law enforcement unit are specifically set forth in the administrative regulation. A list of suggested individuals is included within the text of the regulation.</li> <li>• The provisions regarding parent and student access to education records has been moved for purposes of improved organization.</li> <li>• The address for the Family Policy Compliance Office, for purposes of parents registering a complaint, has been corrected to include the current zip code and phone number.</li> </ul> |
| <b>E 5125</b>    |  | <p><u>MODEL NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS</u></p> <p>This exhibit has been updated to provide the current address for the Family Policy Compliance Office. The zip code has been updated, as well as adding the phone number for the FPCO.</p>  |
| <b>AR 5144.2</b> |  | <p><u>SUSPENSION AND EXPULSION (STUDENTS WITH DISABILITIES)</u></p> <p>This regulation contains a cross-reference to BP 6164.4. The title of that policy has been changed to Child Find from its prior title, Identification of Individuals with Exceptional Needs. The name change has been reflected in this regulation.</p>  |

**ARTICLE 6, Series 6000 – Instruction**

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| <b>AR 6145.2</b> |  | <p><u>INTERSCHOLASTIC COMPETITION</u></p> <p>This regulation has been updated to incorporate ASAA's current eligibility requirements as set forth in the ASAA 2007-2008 handbook. The eligibility reporting section has been updated, as well as updating those ASAA activities requiring submission of a Master Eligibility List by member districts. Finally, a section has been added that all ASAA sponsored events will be conducted in drug-free environments and that the use, possession and/or distribution of alcohol, tobacco or controlled substances is strictly prohibited.</p> |
| <b>E 6145.2</b>  |  | <p><u>INTERSCHOLASTIC COMPETITION</u></p> <p><b>** NEW EXHIBIT**</b></p> <p>This new exhibit contains ASAA's newly adopted citizenship rule and controlled substance, alcohol and tobacco policy. These rules will become effective with the beginning of the 2008-2009 school year and will be applicable to all students who participate in ASAA sanctioned activities. A participating</p>   |

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|                  |  | <p>student will be subject to these rules beginning with the first interscholastic competition in 2008-09 and will remain subject to the rules for the remainder of the student’s high school years.</p> <p>While this exhibit will not require formal board adoption, these eligibility rules represent a significant move on the part of ASAA and its member schools to ensure that student athletes and other activity participants remain drug free. Districts should bring this information to the attention of the board, students, staff, and the community.</p>   |
| <b>BP 6146.1</b> |  | <p><u>HIGH SCHOOL GRADUATION REQUIREMENTS</u></p> <p>A Note has been added to explain the Department of Education and Early Development’s revised requirement for social studies credit. As set forth in 4 AAC 06.075, for most students, the three units in social studies must include one-half unit of credit in Alaska history, or demonstration that the student meets the Alaska history performance standards. This requirement does not take effect until January 1, 2009. No changes were required to the text of the policy.</p>  |
| <b>BP 6146.3</b> |  | <p><u>HIGH SCHOOL GRADUATION QUALIFYING EXAM</u></p> <p>Effective December 21, 2007, the Department of Education and Early Development is requiring all districts to provide HSGQE remediation. As set forth in new regulation 4 AAC 06.759, additional instruction and study that targets the skills tested on the exam must be provided to all students who, following the fall administration of the exam in the student’s eleventh grade year, have not passed one or more portions of the exam. A Note has been added explaining this requirement. Policy language has been added confirming the Board’s commitment to provide support and remediation and explaining when additional instruction and study will be provided to students. The legal reference has been updated to add reference to 4 AAC 06.759, High School Graduation Qualifying Examination Remediation.</p> <p>This change will require formal board adoption.</p> |
| <b>E 6146.3</b>  |  | <p><u>APPLICATION FOR A WAIVER</u></p> <p>This exhibit has been updated to provide the current forms utilized by the Department of Education and Early Development for students to request a waiver from passage of the HSGQE. Updated exhibits include application for a waiver due to late arrival into the public school system and due to a rare and unusual circumstance. Also included is an updated application to appeal a denial of a waiver.</p>  |
| <b>BP 6159</b>   |  | <p><u>INDIVIDUALIZED EDUCATION PROGRAM</u></p> <p>This policy has been updated to reflect changes to federal and state law regarding a parent’s refusal to provide initial consent for services. A previous Note has been deleted. Legal reference sections have been updated, and the cross-reference</p>  |

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|                  |  | to 6164.4 has been updated to reflect the new title, Child Find.<br><br><b>This change will require formal board adoption.</b>  |
| <b>AR 6159</b>   |  | <u>INDIVIDUALIZED EDUCATION PROGRAM</u><br><br>This regulation has been updated to reflect changes found in amendments to the federal Individuals with Disabilities Education Act regulations and changes in Alaska's regulations governing special education. The AR now explains that if the IEP team is to discuss transition services, parental or student consent is required prior to the district inviting a representative of an outside agency. The members of the IEP team has been updated to include a representative of the private school for those students attending private school for whom the district provides special education services. A Note has been added explaining when IEP team members may be excused from participation in an IEP meeting. The contents of the IEP have been clarified in several instances. It is noted that while federal law no longer requires that a student's IEP include a statement of benchmarks or short term objectives, the Department of Education and Early Development has retained this requirement for Alaska school districts. Finally, legal citations have been updated throughout this regulation. |
| <b>BP 6159.1</b> |  | <u>PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION</u><br><br>The introductory Note has been updated to reference the Department of Education and Early Development's notice of procedural safeguards. <b>No changes were required to the text of the policy.</b>  |
| <b>AR 6159.1</b> |  | <u>PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION</u><br><br>This regulation has been updated to reflect amendments to the federal regulations implementing the Individuals with Disabilities Education Act, and 2007 amendments to the Department of Education and Early Development's regulations governing special education. A Note has been added explaining where parties requesting a due process hearing are to send their written request. A section has been added governing a school district's response to a due process hearing request and indicating the required elements of the school district's response. Information has also been added to clarify the requirement for, and purpose of, the resolution session. Headings have been added to the AR for purposes of clarity. Finally, the procedural safeguard notice language has been updated to reflect the obligation of districts to provide information to parents regarding free or low cost legal services and indicating when this information must be provided. The cross-reference to 6164.4 has been updated to reflect the new title, Child Find.                          |
| <b>BP 6164.3</b> |  | <u>STUDENT MENTAL HEALTH – MEDICATION AND</u>   |

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|                         |  | <p><u>SERVICES</u></p> <p>This policy contains a cross-reference to BP 6164.4. The title of that policy has been changed to Child Find from its prior title, Identification of Individuals with Exceptional Needs. <b>The name change has been reflected in this policy.</b></p>   |
| <p><b>BP 6164.4</b></p> |  | <p><u>CHILD FIND</u></p> <p>The previous title of this policy, Identification of Individuals with Exceptional Needs, has been changed to Child Find. This change utilizes the more commonly used terms to describe the district’s obligation to identify and assess students for special education services. The introductory Note has deleted reference to 4 AAC 52.130 regarding gifted children. Changes to the legal references have been made.</p> <p>Consistent with changes to the Department of Education and Early Development’s Special Education Handbook, this policy has been updated to reference the development of a written child find plan. The policy now contains language regarding a child find coordinator and annual public notice to parents and the community regarding the district’s child find obligations and processes. Language has been added explaining that the annual notice must be calculated to reach all persons within the district, including all persons responsible for children who are enrolled in a district’s statewide correspondence program, as applicable. Detailed language regarding the district’s steps for identification, referral and screening have been deleted. General language has been added explaining the district’s obligation to implement a procedure to receive referrals of children suspected of having a disability. The legal reference section has been updated to eliminate reference to Alaska regulations that have been repealed.</p> <p><b>Changes to this policy will require formal board adoption.</b></p> |
| <p><b>BP 6172</b></p>   |  | <p><u>SPECIAL EDUCATION</u></p> <p>This policy contains a cross-reference to BP 6164.4. The title of that policy has been changed to Child Find from its prior title, Identification of Individuals with Exceptional Needs. <b>The name change has been reflected in this policy. Since this is a name change only, this will not require formal board adoption.</b></p>   |

**ARTICLE 9, Series 9000 – Bylaws of the Board**

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| <b>BB 9012</b> |  | <p><u>COMMUNICATIONS TO AND FROM THE BOARD</u></p> <p>A cross-reference has been added to Board Bylaw 9200, Board Members. No other changes have been made to this policy.</p> <p><b>NOTE: This policy was never adopted by the board for inclusion into the current SWRS Board Policy Manual. It is recommended to be included at this time.</b></p>  |
| <b>BB 9200</b> |  | <p><u>BOARD MEMBERS</u></p> <p>Optional language has been added regarding school visits by board members. The bylaw encourages board member visits to the schools, but indicates that board members should check in with the school office and contact school principals in advance.</p> <p>Language regarding board members and school district employment has been removed from this bylaw and moved to board bylaw 9220, School Board Elections.</p> <p>Optional language has been added regarding board member requests for information. The new language establishes procedures for board members to request information from the superintendent or administration. Requests by board members for additional information on matters coming before them for a vote are set forth in two separate categories: requests for simple facts, and requests for reports, research, administrative studies, detailed information, or for information relating to a problem or potential problem in the district. In cases of requests for the latter information, this optional language explains that individual board members shall submit such request to the full board for consideration. The bylaw then explains that upon either concurrence of the other board members, or a majority request of the board, the request will then be forwarded to the superintendent for response.</p> <p>Finally, language has been added regarding complaints concerning school district personnel. The language explains that these concerns should be privately communicated to the superintendent.</p> <p><b>If the board desires to adopt any or all of this optional language, it will require formal board adoption.</b></p> |
| <b>BB 9220</b> |  | <p><u>SCHOOL BOARD ELECTIONS</u></p> <p>Language has been clarified explaining that a district employee may seek election to the board but must resign his or her position with the district if elected to the board. Optional language has been added for boards to consider in order to avoid situations which may be viewed as a conflict of interest. This language provides that a board member should resign from the board prior to seeking to secure district employment. This optional language previously existed at board bylaw 9200. Several new cross-references have been added and a couple of</p>  |



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|  |  | cross-references deleted. |
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|  |  | <b>These changes will require formal board adoption.</b> |
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## REVIEW AND EVALUATION

The School Board recognizes that ongoing review and evaluation of district policies and programs are necessary if the Board is to be held accountable for the governance of the district. The Board accepts that being accountable includes a duty to explain to the public how district responsibilities are being met and will provide for such review and evaluation.

(cf. [0510](#) – School District Report Card)  
(cf. [1312](#) – Complaints Concerning the Schools)  
(cf. [4115](#) – Personnel Evaluation)  
(cf. [6190](#) – Evaluation of the Instructional Program)  
(cf. [9300](#) – Governance)  
(cf. [9400](#) – Board Self-Evaluation)

### Legal Reference:

#### ALASKA STATUTES

14.03.120 – Education planning

#### ALASKA ADMINISTRATIVE CODE

4 AAC 04.140 – Content Standards

4 AAC 04.150 – Performance Standards

4 AAC 05.010 – Program Planning and Evaluation

4 AAC 06.805 – Adequate Yearly Progress

4 AAC 06.812 – Growth in Student Academic Performance

4 AAC 06.885 – School and District Recognition

Revised 2/06

Revised 2/08

## SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT

Note: Section 6316 of the No Child Left Behind Act requires districts receiving Title I funds to use state and local assessments or indicators to annually review the progress of each school receiving Title I funds to determine whether the school is making "adequate yearly progress" (AYP) as defined by the state. The State of Alaska has determined that it will assess AYP for each school, district, and the statewide education system. AYP is measured by criteria set forth at 4 AAC 06.805, [06.810](#) and [06.812](#). These criteria include student performance on statewide assessments and graduation rate or school attendance. For a school or district to make AYP, all identified student groups (i.e., economically disadvantaged students, students from major racial and ethnic groups, students with disabilities and English learners) must meet the statewide achievement goal; or the percentage of non-proficient students must be reduced by at least 10 percent with the group showing improvement on other academic indicators. At least 95 percent of each student group must participate in state assessments.

The School Board is committed to the successful performance of the District and its schools. The Superintendent shall implement the following requirements for schools that have not achieved adequate yearly progress as determined by the Department of Education and Early Development.

If any District school is identified for improvement, the Superintendent or designee shall develop and implement a school improvement plan in accordance with federal and state law. This school plan shall be presented to the Board for approval.

## School Choice

Note: This section applies to only those students enrolled in a school that receives Title I funds and has been identified by the State Board of Education for school improvement, corrective action, or restructuring according to federal and state law.

Note: A parent that elects to transfer his or her student under the school choice provisions is entitled to district-provided transportation to the transfer school. However, transportation is not required if the school is more than 50 miles from the student's home, or if the student's home and the school are not connected by road. 4 AAC 06.855.

Students attending a school that has failed to make adequately yearly progress for two or more consecutive years may transfer to another public school within the District, if any, that has not been identified for improvement. If possible, the District will offer a choice of more than one school and will consider the parents' preferences among the schools offered. The District will not use lack of capacity to deny parents the option to transfer. The lowest-achieving students from low-income families will be given priority for school transfer. All students transferring are entitled to enroll in classes and activities in the same manner as all other students in the school.

A student who transfers to another school under this policy may remain at that school until the student completes the highest grade offered at the school. The District shall provide transportation only until the end of the school year in which the transferring school ceases to be identified for school improvement. All notices provided to parents/guardians and transfer requests are governed by State and federal law.

## SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT (CONTINUED)

If there are no District schools available into which a student may transfer, or District-provided transportation is unavailable, the Superintendent or designee shall, to the extent practicable, establish a cooperative agreement with other districts in the area or offer supplemental educational services to qualifying students.

## Supplemental Educational Services

Note: Your district may not disclose to the public, absent parental consent, the identity of those students who are eligible for, or are receiving, supplemental services.

Note: The Department of Education and Early Development may waive, in whole or in part, the requirement that a district make available supplemental educational services if, at the request of the district, the Department determines that (1) none of the providers on the list approved by the Department makes those services available in the area serviced by the district or within a reasonable distance of that area; and (2) the district provides evidence that it is not otherwise able to make those services available.

Students from qualifying low-income families shall be provided supplemental educational services as provided in federal and state law if they attend any District school that has been designated as Level 3 or higher by the Department. The District will provide annual notice to parents of the availability of these services, the identity of state-approved providers, and a brief description of the services, qualifications and demonstrated effectiveness of each provider. Upon request, the District will assist parents in choosing a provider.

Supplemental educational services include tutoring and other high-quality research-based supplemental academic enrichment services. These services are in addition to instruction provided during the school day and should enable students to attain proficiency on assessments, as well as increased academic achievement.

The Superintendent shall enter into a written agreement with each provider selected by a parent. The agreement shall be prepared in accordance with law.

Note: The required terms of the agreement between the district and supplemental service provider are found at 4 AAC 06.860. Districts are advised to consult this regulation and confer with your attorney in preparing the written service agreements.

SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT (CONTINUED)

*Legal Reference:*

ALASKA STATUTES

14.03.123 – School and District Accountability

ALASKA ADMINISTRATIVE CODE

4 AAC 06.800-899 – School and District Accountability

Elementary and Secondary Education Act, 20 U.S.C. § 6316, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110)

*Revised 12/04*

*Revised 2/08*

SOUTHWEST REGION SCHOOL DISTRICT

Reviewed: December 14, 2006

Adopted: January 31, 2007

Reviewed: February 20, 2007

Adopted: March 27, 2007

## SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT

## School Improvement Plan – Development, Approval and Implementation

Note: All schools in a district designated at Level 2 or higher by the Department of Education and Early Development are required to develop, issue, and implement a school improvement plan. A school will be designated at Level 2 if it fails to demonstrate adequate yearly progress for two consecutive years. A school improvement plan is required even if the school does not receive Title I funds. The following procedures for development of the plan are consistent with the requirements of 4 AAC 06.845, School Improvement Plan, and 4 AAC 06.852, Technical Assistance.

The Superintendent shall designate the individual responsible to oversee development of the school improvement plan. The plan must be developed and provided to the District for approval within 90 days of the school's notice of designation by the Department.

## 1. Plan Contents

Prepared in consultation with parents, school staff, and other interested persons, the plan should contain the following components:

- A. Duration. The plan will cover a two-year period.
- B. Strategies. The plan will incorporate scientifically-based strategies to strengthen the school's core academic subjects and address the specific academic issues that lead to the designation.
- C. Policies. The plan will implement policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all students demonstrate proficiency or better on state assessments by school year 2013-14.
- D. Funding. The plan will provide for the school's allocation and spending of at least 10% of the funding allocated to the school under Title I in order to provide the school's teachers and principal with high-quality professional development that directly addresses the academic performance problem that caused the designation.
- E. Professional Development. The plan will explain how the high-quality professional development will directly address the academic performance problem that caused the designation.
- F. Annual Objectives. The plan will establish specific annual measurable objectives for continuous and substantial progress by all students collectively, and each subgroup of students, to ensure that all students demonstrate proficiency or better on state assessments by school year 2013-14.
- G. Parental Notice. The plan will describe how written notice of the designation will be provided to the parents of each student enrolled in the school. To the extent practicable, the notice should be in a format and in a language that the parents can understand.
- H. Responsible Parties. The plan will specify the respective responsibilities of the school, the district, and the Department of Education and Early Development in implementing the plan.
- I. Parental Involvement. The plan will include strategies to promote effective parental involvement in the school.

SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT  
(CONTINUED)

J. Extended Day Programs. As appropriate, the plan will incorporate activities for students before and after school, during the summer, and during any extension of the school year.

K. Teacher Mentoring. The plan will incorporate a teacher mentoring program.

J. Proficiency. The plan will address what measures the school will take to ensure that students remain proficient in future years. This plan component must be included by those schools which have had proficient students decline from proficiency for any reason other than regression to the mean.

## 2. Plan Approval

Upon completion of the plan by the school, it will be submitted to the District for approval. A peer review process will be utilized to assist with a prompt review of the plan. The plan will be reviewed to determine if any modifications are necessary and to ensure compliance with the requirements of 4 AAC 06.845. Within 45 days of receipt of the school plan, the District must approve the plan for submission to the Department of Education and Early Development.

## 3. Plan Implementation

The school shall implement the plan immediately upon District approval. Should the Department of Education and Early Development determine that changes in the plan will improve the performance or progress of students, the school will implement the changes required by the Department.

The District will ensure appropriate technical assistance to the school during development of the plan and throughout the plan's duration. Technical assistance may be provided by the District, the Department, an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement.

Technical assistance must be based on scientifically-based research and may include:

1. assistance in analyzing assessment data and other examples of student work in order to identify and develop solutions to problems in instruction, parental involvement and professional development, and plan implementation, including district- and school-level responsibilities under the plan.
2. assistance in identifying and implementing professional development and instructional strategies and methods that have proven effective, through scientifically-based research, in addressing the specific instructional issues that caused the school's designation; and/or
3. assistance in analyzing and revising the school's budget so that the school allocates its resources more effectively to the activities most likely to increase student academic achievement and remove the school from its designation.

SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT  
(CONTINUED)

## District Improvement Plan – Development and Contents

Note: A school district designated as Level 2 or higher is required to develop, issue, and implement a district improvement plan. The development of a plan is necessary regardless of whether the District receives federal funding under Title I. However, districts that do receive federal Title I funding may request technical assistance from the Department of Education and Early Development. Other federal law implications for your district that receives Title I funds may be found at 34 C.F.R. 200.47 and 34 C.F.R. 200.49 through 200.51. The progress of each district under an improvement plan will be monitored by DEED. The following plan contents comply with the requirements set forth at 4 AAC 06.850, District improvement plan.

Within ninety (90) days of designation at Level 2 or higher, the District will develop a district improvement plan and submit it to the Department of Education and Early Development for approval.

Prepared in consultation with parents, school staff, and other interested persons, the plan should contain the following components:

1. Duration. The plan will cover a two-year period.
2. Strategies. The plan will incorporate scientifically-based strategies to strengthen the core academic program in the schools served by the District.
3. Improvement Measures. The plan will identify actions that have the greatest likelihood of improving student achievement on the state's academic performance standards.
4. Professional Development. The plan will address professional development needs of the instructional staff.
5. Goals. The plan will include specific measurable achievement goals and targets for all students collectively and each subgroup of students.
6. Needs Assessment. The plan will address the fundamental teaching and learning needs in the schools of the District, and the specific academic problems of low-achieving students, including a determination of why the District's prior plan failed to bring about increased student academic performance.
7. Extended Day Programs. As appropriate, the plan will incorporate activities for students before and after school, during the summer, and during any extension of the school year.
8. Responsible Parties. The plan will specify the respective responsibilities of the District and the Department of Education and Early Development in implementing the plan. The plan should specify any technical assistance to be provided by the Department.



SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT  
(CONTINUED)

9. Parental Involvement. The plan will include strategies to promote effective parental involvement in the District.

*Added 1/04*  
*Revised 2/08*

## DISTRICT RECORDS

Note: Alaska Statute 40.21.070 requires districts to follow the state records management and retention program to the extent practical. In 2007, the Department of Education and Early Development updated its 1992 publication relating to records retention practices for school districts. The newly updated Model Records Retention Schedule for Alaska School Districts lists and describes most records that school districts administer and recommends minimum retention guidelines, irrespective of the media utilized. The schedule is only a guide and districts may establish their own varying schedules to meet specific school or community needs or practices.

School district records shall be developed, maintained and disposed of according to the requirements of federal and state laws and regulations. Records, regardless of format, should remain accessible and durable for their prescribed retention period. Electronic records, including email, should be administered under operating policies and procedures, ideally in an unaltered format, to ensure that the records remain authentic and trustworthy for their full retention period.

Note: In 2007, the Federal Rules of Civil Procedure underwent a major revision to include electronic discovery rules. The Federal Rules mandate that entities, including school districts, retain documents that are relevant to a claim or defense to a claim. Thus, electronically stored information that is relevant to a claim must be saved for an extended period of time. Even inadvertent destruction of electronic data, for example pursuant to your email purging procedures, can result in sanctions for your district if you are involved in litigation. A "litigation hold" is a directive to parties not to destroy any documents, including electronically stored information in all of its various forms, that might be relevant to a legal proceeding, or that might lead to the discovery of relevant information. In the event the district becomes aware of actual or threatened litigation, audit, or investigation that may concern a group of records, those records should not be disposed of until authorized to do so upon advice of your attorney.

The Superintendent or designee shall undertake the preservation and retention of records and data, including electronically stored information, when there becomes a likelihood that potential litigation will occur.

Irreplaceable, vital school district records must be protected against destruction in the event of a fire, flood, earthquake, terrorist act or other disaster. Vital records are those containing critical information essential to the continuity of operations, or the protection of the rights and interests of the school district, its students, and staff. The Superintendent or designee shall identify vital records and implement measures to ensure that these documents are preserved.

The School Board authorizes the destruction of records having no legal or administrative value or historical interest, following retention for those periods described in the records retention schedule.

Note: Alaska Statute 40.21.080 provides that public records may not be destroyed except on the authority of the local governing body. The Board may authorize by policies or regulations, the disposal of "routine records." The District should establish regulations defining its routine records, and time limits for retention of all records.

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DISTRICT RECORDS

The School Board adopts as its Records Management System the Model Records Retention Schedule for Alaska School Districts. The Superintendent or designee will implement a records management program consistent with this Schedule.

The Superintendent or designee shall ensure the confidentiality of district records as permitted or required by law. All district employees must guard against improper disclosure of confidential and personally identifiable information.

Note: Participants in the E-rate program have specific document retention requirements which go into effect for funding year 2004. Under FCC rules, program beneficiaries must "retain all records related to the application for, receipt and delivery of discounted services for a period of five years after the last day of service delivered" in any particular funding year. FCC Rule § 54.516. Specifically, eight categories of documents must be retained: prebidding process, bidding process, contracts, application process, purchase and delivery of services, invoicing, inventory, and forms and rule compliance.

(cf. [1340](#) – Access to District Records)  
 (cf. [4112.6/4212.6/4312.6](#) – Personnel Records)  
 (cf. [5125](#) – Student Records)

## Legal Reference:

ALASKA STATUTES

09.25.120-220 – Public Records Act

14.03.115 – Parental Access

14.17.190 – Restrictions governing receipt and expenditure of money from public school foundation account

40.21.010-140 – Public records

ALASKA CONSTITUTION

art. 1, sec. 22, Right to Privacy

UNITED STATES CODE

5 U.S.C. § 552a – Privacy Act

20 U.S.C. § 1232 g & 34 CFR Part 99 – Family Educational Rights & Privacy Act

Revised 9/97  
 Revised 12/04  
 Revised 2/08

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**Deleted:** The Superintendent or designee shall establish administrative regulations so that district personnel will know how district records are to be maintained or destroyed.

## SOUTHWEST REGION SCHOOL DISTRICT

Adopted: November 2, 2006

Reviewed: December 14, 2006

Adopted: January 31, 2007

Reviewed: March 25, 2008

Adopted: \_\_\_\_\_

## 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 November 23, 2003, the No Child Left Behind Act requires states to implement a system of school safety assessment. Under NCLB, 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 Board believes that all students have the right to a public education in a positive environment that fosters the maximum opportunity for learning. An effective school discipline and safety program is necessary to ensure a learning environment free of disruptions. The Board shall adopt, and the Superintendent shall implement and maintain, an effective school discipline and safety program. The discipline and safety program should reflect community standards of school behavior and safety that are developed with the collaboration of students, parents, guardians, teachers, 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](#) – Anabolic Steroids)
- (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. [5141.51](#) – At-Risk Youth)
- (cf. [5142.2](#) – School Safety Patrol)
- (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. [5145.3](#) – 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)

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**Deleted:** Identification of Individuals with Exceptional Needs

## SCHOOL DISCIPLINE AND SAFETY (CONTINUED)

Note: HB 99 (2001) requires that school districts 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 be amended by January 1, 2002, to 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 Superintendent 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. The strategy should identify and teach effective approaches for students to follow in reporting and resolving conflicts.

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](#) – 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, beginning with the 2007-08 school year, the District is to report all incidents of suspension and expulsion resulting from harassment, intimidation, or bullying. 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.

## SCHOOL DISCIPLINE AND SAFETY (CONTINUED)

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, a principal, or another person responsible for students may not be terminated or otherwise subjected to formal disciplinary action for lawful enforcement of a school disciplinary and safety program, including behavior standards. AS 14.33.130. 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 No Child Left Behind Act.

The Board desires to give all administrators, teachers, and other employees the authority they need to implement and enforce the discipline and safety program. Personnel should adhere to lines of primary responsibility so that appropriate decision-making may take place at various levels in accordance with Board policy and administrative regulations. In fulfilling duties and responsibilities in student discipline and safety, all employees shall comply with Board policies, administrative regulations, and local, state, and federal laws. Employees will not be formally disciplined for enforcement of student discipline and safety rules so long as the enforcement is reasonable, lawful, and in compliance with Board policies and administrative regulations.

(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)

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.

## SCHOOL DISCIPLINE AND SAFETY (CONTINUED)

The Board further desires to give all students 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  
No Child Left Behind Act of 2001, 20 U.S.C. §§ 2361-2368 (P.L. 107-110)

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 06.200-270 – Safe schools  
4 AAC 06.250 – Reporting  
4 AAC 07.010-900 – Student rights and responsibilities  
4 AAC 52.010-990 – Education for exceptional children  
20 AAC 10.020 – Code of ethics and teaching standards

*Added 9/2000**Revised 1/04**Revised 01/07**Revised 2/08*

## SOUTHWEST REGION SCHOOL DISTRICT

Adopted: November 2, 2006

Reviewed: December 14, 2006

Adopted: January 31, 2007

STUDENT RECORDS

Definitions

1. Student Records

"Student records" consists of all official records, files and data directly related to a student that are maintained by the school, and intended for school use. A student record encompasses all the material incorporated in the student's cumulative record folder and includes, but is not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), daily attendance data, scores on standardized intelligence, aptitude and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and written observations, and discipline data including suspensions or expulsions. Student records are the property of the District, with access by others as set forth in this regulation.

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2. Exclusions From the Term "Student Records"

The following documents are not "student records":

- a. Aggregated data that does not contain personally identifiable information about a specific student, unless the student's identity is easily traceable from the data.
- b. Personal files, notes, or records maintained by staff members or professional consultants if the personal file is kept in the sole possession of the maker of the record. Such files or personal notes regarding students shall constitute the personal property of the person compiling the file so long as it is not accessible or revealed to other persons, except that it may be shared with a temporary substitute of the maker of the record.
- c. Examples of student's work product such as art and written work.
- d. Records created and maintained by the District's law enforcement unit.
- e. An employment record which is used only in relation to a student's employment by the District.
- f. Personal knowledge or observation of a school official. A school official is not prohibited from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation, and not from the student's education records.

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STUDENT RECORDS (CONTINUED)

3. Personally Identifiable Information

"Personally identifiable" means that the data or information includes the name of a student, the student's parent, or other family member, the address of the student; a personal identifier, such as the student's social security number or student number; a list of personal characteristics which would make it possible to identify the student with reasonable certainty, or other information which would make the student's identity easily traceable.

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4. Directory Information

"Directory Information" means information contained in an education record that would not generally be considered harmful or an invasion of privacy if disclosed. It includes a student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees and awards received, scholarship eligibility and the most recent previous educational agency or institution attended by the student.

5. Parents

"Parents" means a natural parent, an adoptive parent, foster parent, legal guardian, or an individual acting as a parent in the absence of a parent or guardian, or in the case of a student receiving services provided to exceptional children, a person acting as the parent of a child or a surrogate parent appointed in accordance with state regulations. Either or both parents have access to a student's records, even if a separation or divorce has occurred, unless the parental rights of a parent have been legally terminated through adoption or other legal process; or unless a decree of divorce, separation, or other court order specifically prohibits parental access to school information or records.

6. Eligible Student

"Eligible student" means a student who has attained eighteen years of age is an emancipated minor, or is attending an institution of post-secondary education.

7. Exceptional Children

"Exceptional Children" mean children with disabilities who differ markedly from their peers to the degree that special facilities, equipment, or methods are required to make their educational program effective.

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STUDENT RECORDS (CONTINUED)

8. School Official

A "school official" is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff); a person serving on the School Board; law enforcement unit personnel as defined in this regulation; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

9. Law Enforcement Unit Personnel

"Law enforcement unit personnel" are individuals employed, contracted, or permitted to monitor safety and security in and around the schools. Law enforcement unit personnel are responsible for referring potential or alleged violations of law to local law enforcement. The District's law enforcement unit includes the following individuals: [school resource officers; safety and security staff; principal; etc.]

Annual Notice

The Superintendent shall notify parents and eligible students of the rights accorded them under this policy. Annually, the Superintendent shall provide to parents and eligible students a notice which informs them of their rights to inspect and review their student's education records; to seek amendment of student records which are believed to be inaccurate, misleading, or in violation of the student's privacy rights; to consent to disclosure of personally identifiable information except where law authorizes disclosure without consent; and to file a complaint in accordance with 34 CFR Section 99.63 and 99.64. The annual notice will include information concerning the University of Alaska scholarship programs and the District's obligations under state law to provide the names of students who are eligible for these programs. The annual notice will provide the name and address of the official responsible for the records and the current fee for requested copies of records.

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In addition, the District will maintain for public inspection a list of the names and positions of those employees who routinely have access to student records specifically collected or maintained in conjunction with the provision of services to exceptional children. Upon request, the District shall provide a parent of a student receiving services as an exceptional child a list of the type and location of records collected, maintained and used by the District in conjunction with the provision of such services.

STUDENT RECORDS (CONTINUED)

Custody and Protection of Student Records

1. Place Records are Kept

Student records will generally be maintained in the cumulative record folders in the administrative offices of the District. With the consent of the Superintendent, or his designee, portions of student records may be kept in other places for reasons of effective school administration, such as data collected and maintained in physical education, vocational, health or special education locations.

2. Custodian of Records

Student records in each place where they are maintained shall be under the control of a custodian appointed by the Superintendent. The custodian shall be responsible for carrying out this regulation with respect to the records under his/her control.

3. Record of Access to Student Records

Each individual student cumulative record folder, and each student record maintained separately from the folder, shall contain a written record of each request for, and each disclosure of, personally identifiable information. The record of access shall include:

- a. the identity of the person reviewing the record and the person's official capacity;
- b. the specific record examined or requested;
- c. the purpose of the examination and the interest that the person has in seeking the information;
- d. the date of examination or request; and
- e. if the District discloses personally identifiable information from a student record with the understanding that the information will be redisclosed on behalf of the District, then the names of the additional parties to which the receiving party may disclose the information and the legitimate interest which each additional party has in requesting or obtaining the information.

A record of access does not have to be kept for requests by, or disclosure to, the following individuals:

- a. parents of the student or an eligible student;
- b. school officials and employees with a legitimate educational interest;
- c. those authorized to obtain disclosure by written consent of a parent or eligible student, unless the disclosure pertains to records of a student receiving services provided to exceptional children;

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## STUDENT RECORDS (CONTINUED)

- d. those who request directory information, unless the disclosure pertains to records of a student receiving services provided to exceptional children; or,
- e. the Attorney General of the United States, or designee, when disclosure is pursuant to an ex parte order in connection with the investigation or prosecution of terrorism crimes.

Destruction of Records

1. The District is not precluded from destroying any records, if not otherwise precluded by law, except that access shall be granted prior to the destruction of the education records where the parent or eligible student has requested such access.
2. In the case of records pertaining to students receiving services provided to exceptional children that are no longer needed by the District to comply with state or federal law or regulations, the District shall make reasonable efforts to notify the parent and offer the parent a copy of the record. Such records shall be destroyed upon request of the parent.
3. Records pertaining to the name, address, telephone number, grades, attendance, classes attended, grade level completed, and year completed of a student who has received services provided to exceptional children must be maintained indefinitely.

Access by Parents or Eligible Students

A parent of a student who is under the age of eighteen (18) years and who has attended or is currently enrolled in the District, has a right to inspect and review his or her student's records or any part thereof. This right of access does not apply to:

1. the record of a child who is an emancipated minor;
2. the child's address if the Superintendent determines that release of the address poses a threat to the health or safety of the child.

An eligible student has a right to inspect and review his or her student record or any part thereof.

The right of access specified in this section shall include:

1. the right to inspect and review the content of student records;
2. the right to obtain copies of those records, which shall be at the expense of the parent or the eligible student (but not to exceed the actual cost to the District of producing such copies);
3. the right to a response from the District to reasonable request for explanations and interpretations of those records; and
4. the right to an opportunity for a hearing to challenge the content of those records.

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. 1. . A parent of a student who (1) is under the age of eighteen (18) years, and (2) who is either currently enrolled in the District or records of whom are otherwise maintained by the District have a right to inspect and review such student's record or any part thereof. This right of access does not apply to: .

. a. . the record of a child who is an emancipated minor; .

. b. . the child's address if the Superintendent determines that release of the address poses a threat to the health or safety of the child. .

. . An eligible student has a right to inspect and review his or her student record or any part thereof. .

. 2. . The right of access specified in this section shall include: .

. a. . The right to be provided a list of the types of education records which are maintained by the District and are directly related to students; .

. b. . The right to inspect and review the content of those records; .

. c. . The right to obtain copies of those records, which shall be at the expense of the parent or the eligible student (but not to exceed the actual cost to the District of reproducing such copies); .

. d. . The right to a response from the District to reasonable requests for explanations and interpretations of those records; .

. e. . The right to an opportunity for a hearing to challenge the content of those records. .

. 3. . Access rights shall be exercised by presenting a written request to the office of the Superintendent. The request shall specify the specific records which the requesting person wishes to inspect or examine. In the event the District cannot determine the exact records to which access is sought, the District shall immediately contact the requesting person by letter or otherwise to determine the desired scope of records to be inspected. .

. 4. . Such inspection shall be made during reasonable business hours determined by mutual agreement between the District and the requesting person, but in no eve (... [1])

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STUDENT RECORDS (CONTINUED)

Parents or eligible students desiring to review student records shall present a written request to the office of the Superintendent. The request shall specify the specific records which the person wishes to inspect. In the event the District cannot determine the exact records to which access is sought, the District shall immediately contact the requesting person by letter or otherwise to determine the desired scope of records to be inspected.

Such inspection shall be made during reasonable business hours determined by mutual agreement between the District and the requesting person, but in no event shall access be withheld more than forty-five (45) days after the written request has been made. However, the District must respond to request by a parent of a student receiving services for exceptional children within ten (10) days of the request and, in any case, before any meeting or hearing in which the parent may participate relating to the identification, placement, or program of the student.

Where the records requested include information concerning more than one student, the parent or eligible student shall be permitted to review only that part of the record pertaining to his child or his record, or where this cannot reasonably be done, the parent or eligible student shall be informed of the contents of that part of the record pertaining to his child.

Access Without Parental Consent

The District shall not permit access to or the release of student records or the personally identifiable information contained therein without the consent of a parent or eligible student, except that access without consent, other than records containing personally identifiable information specifically collected or maintained in conjunction with the provision of services to exceptional children, shall be permitted to those persons or under those circumstances listed below:

- 1. School officials within the District who have a legitimate educational interest in having access to the records. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- 2. Officials of other districts, schools, state operated correspondence programs, or post-secondary institutions, in which the student seeks or intends to enroll. It is the policy of the District to forward student records to the entities or programs listed in this subsection without notifying the parent or eligible student. The District shall forward these records within 10 days after receiving a request. Notification of this practice will be provided to parents and students in the annual notification.

Missing Children: As required by state law, the District shall flag the school records of a child who is missing. Upon receipt of a request from another school or district for a record that has been flagged, the District shall immediately notify the Department of Public Safety. Unless directed to do so by the Department, the District may not forward a copy of the flagged records.

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STUDENT RECORDS (CONTINUED)

3. Upon their request, military recruiters and institutions of higher learning shall have access to secondary students' names, addresses, and telephone listings, unless an objection is made by the student's parent or guardian. Parents/guardians shall be notified of their right to make this objection.

4. Authorized representatives of the Comptroller General of the United States or the Secretary of the Department of Health, Education and Welfare or other Federal education agency, and the Department of Education and Early Development of the State of Alaska; provided that the information is protected in a manner that does not permit personal identification of any students or their parents by anyone except the authorized representatives just identified.

5. In compliance with a judicial order or pursuant to any lawfully issued subpoena, However, the District shall make a reasonable effort to give the parent or eligible student notice of all such orders or subpoenas as soon as reasonably possible after they are received, and in advance of production of the records, so that the parents or eligible student may seek protective action. Prior notice will not be given in cases of a federal subpoena or order where the court has ordered that the existence or contents of the subpoena not be disclosed. In addition, prior notice will not be given if a court or other issuing agency issues a subpoena for a law enforcement purpose and orders the school not to disclose the existence or contents of the subpoena.

6. Disclosure in connection with financial aid, conditioned on the student's attendance at an educational institution. Such disclosure will be made provided that the student has actually applied for or received the aid and the information disclosed is necessary to (a) determine eligibility for the aid, (b) determine the amount of the aid, (c) determine the conditions for the aid or (d) enforce the terms and conditions of the aid.

7. The disclosure is to organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of (a) developing, validating or administering predictive tests, (b) administering student aid programs or (c) improving instruction. Information may only be disclosed under this subsection if the District receives assurances from the entity receiving the information that (1) the study will be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization carrying out the study and (2) that the information will be destroyed when no longer needed for the purpose for which the study was conducted.

8. The disclosure is to accrediting organizations carrying out their accrediting functions.

9. Information may be disclosed in connection with a health and safety emergency subject to the conditions described in below.

10. Directory information may be released subject to the conditions described in BP 5125.1.

(cf. 5125.1 - Release of Directory Information)

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## STUDENT RECORDS (CONTINUED)

Transfer of Information to Third Parties

1. The District shall not release personal information concerning a student except on the condition that the party to which the information is being transferred will not permit any other party to have access to such information without the prior written consent of the parent or eligible student. The District shall include with any information released to a party a written statement which informs the party of this requirement.
2. The District may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures on behalf of the district without the consent of the parent or eligible student if (a) these further disclosures meet the requirements for access without consent; and (b) the District maintains a record of third parties granted access and the legitimate interest of such parties.

## Cooperation With Juvenile Justice System

The school district will cooperate with the juvenile justice system in sharing information contained in permanent student records regarding students who have become involved with the juvenile justice system. The school district will enter into an interagency agreement with the juvenile justice agencies ("agencies") involved.

The purpose of the agreement is to allow for the sharing of information prior to a student's adjudication in order to promote and collaborate between the district and the agencies to improve school safety, reduce alcohol and illegal drug use, reduce truancy, and reduce in-school and out-of-school suspensions. This cooperation will enhance alternatives such as structured and well supervised educational programs, supplemented by coordinated and appropriate services, designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

The school district may share any information with the agencies contained in a student's permanent record, which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication, information contained in the permanent record may be disclosed by the school district to the parties without parental consent or court order. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family.

Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or custodian.

Confidential information shared between the school district and the agencies will remain confidential and will not be shared with any other person, unless otherwise provided by law.

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STUDENT RECORDS (CONTINUED)

Records Pertaining to Exceptional Children

Personally identifiable information in those student records specifically collected or maintained in conjunction with the provision of services to exceptional children may not be released without the written consent of a parent unless the disclosure is to:

1. A school official as defined above.
2. An official of a school or school system in which the student intends to enroll, provided, however, that a parent must be notified of any such disclosure, offered a copy of the record, and notified of his or her right to request amendment of the record.
3. A representative of the Federal Comptroller General, U.S. Department of Education, or Alaska Department of Education and Early Development.

The contents of a student's record may be furnished to any person with the written consent of one of the student's parents. The written consent should specify the records to be released, the reasons for the release, and to whom the records will be released. Where the consent of a parent is required for the release of student records, a copy of the records to be released shall be provided on request to the student's parents or the eligible student, and to the student who is not an eligible student if so requested by the student's parents.

If a parent refuses to consent to release of a student record specifically collected or maintained in conjunction with the provision of services to exceptional children the District may initiate a hearing pursuant to the provisions of 4 AAC Section 52.550.

Release of Information for Health and Safety Emergencies

The District may release information from records to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons. The facts which should be taken into account in determining whether records may be released under this section include the following:

1. the seriousness of the threat to the health or safety of the student or other persons;
2. the need for such records to meet the emergency;
3. whether the persons to whom such records are released are in a position to deal with the emergency; and
4. the extent to which time is of the essence in dealing with the emergency.

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- 1. - The District shall not release  
personal information concerning a  
student except on the condition that  
the party to which the information is  
being transferred will not permit any  
other party to have access to such  
information without the prior written  
consent of the parent or eligible  
student. The District shall include  
with any information released to a  
party a written statement which  
informs such party of this  
requirement. -  
- 2. - The District may disclose  
personally identifiable information  
with the understanding that the party  
receiving the information may make  
further disclosures on behalf of the  
district without the consent of the  
parent or eligible student if (a) these  
further disclosures meet the  
requirements for access without  
consent; and (b) the district maintains  
a record of third parties granted  
access and the legitimate interest of  
such parties. -

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STUDENT RECORDS (CONTINUED)

The District may include in a student's records information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or wellbeing of that student, other students, or other members of the school community. Under the "health and safety emergency" exception, the District may disclose this information to teachers and school officials of the district, or to teachers and school officials of other districts, if those individuals have a legitimate educational interest in the behavior of the student.

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Complaint Procedure

Note: The District's records policy must provide for an annual notification which explains the rights of parents and eligible students to file a complaint with the United States Department of Education concerning alleged failures to comply with the requirements of the federal Family Educational Rights and Privacy Act and its regulations.

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A parent or eligible student may file a written complaint with the national Family Policy Compliance Office regarding an alleged violation of federal laws governing the administration of student records. These laws include the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, and its regulations found at 34 CFR Part 99. A complaint must be filed within 180 days of the date of the alleged violation or of the date the parent or eligible student knew or reasonably should have known of the alleged violation. Complaints should be filed with:

Family Policy Compliance Office  
U.S. Department of Education  
Washington, D.C. 20202-5920  
(202) 260-3887

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*Revised 9/99*  
*Revised 1/04*  
*Revised 2/06*  
*Revised 2/08*

Such record of access shall be available only to the parent or eligible student, to the custodian appointed by the Superintendent and his or her assistants and to persons or organizations authorized in this regulation.

1. A parent of a student who (1) is under the age of eighteen (18) years, and (2) who is either currently enrolled in the District or records of whom are otherwise maintained by the District have a right to inspect and review such student's record or any part thereof. This right of access does not apply to:

- a. the record of a child who is an emancipated minor;
- b. the child's address if the Superintendent determines that release of the address poses a threat to the health or safety of the child.

An eligible student has a right to inspect and review his or her student record or any part thereof.

2. The right of access specified in this section shall include:

- a. The right to be provided a list of the types of education records which are maintained by the District and are directly related to students;
- b. The right to inspect and review the content of those records;
- c. The right to obtain copies of those records, which shall be at the expense of the parent or the eligible student (but not to exceed the actual cost to the District of reproducing such copies);
- d. The right to a response from the District to reasonable requests for explanations and interpretations of those records;
- e. The right to an opportunity for a hearing to challenge the content of those records.

3. Access rights shall be exercised by presenting a written request to the office of the Superintendent. The request shall specify the specific records which the requesting person wishes to inspect or examine. In the event the District cannot determine the exact records to which access is sought, the District shall immediately contact the requesting person by letter or otherwise to determine the desired scope of records to be inspected.

4. Such inspection shall be made during reasonable business hours determined by mutual agreement between the District and the requesting person, but in no event shall access be withheld more than forty-five (45) days after the written request has been made, provided, however, that the District must respond to request by a parent of a student receiving services for exceptional children within ten (10) days of the request and, in any case, before any meeting or hearing in which the parent may participate relating to the identification, placement, or program of the student.

5. Where the records requested include information concerning more than one student, the parent or eligible student shall receive for examination that part of the record pertaining to his child or his record, or where this cannot reasonably be done, the parent or eligible student shall be informed of the contents of that part of the record pertaining to his child or himself.

STUDENT RECORDS

Note: This annual notice complies with the Family Educational Rights and Privacy Act and has been developed by the federal Family Policy Compliance Office. Language has been added to the federal notice to comply with AS 14.43.930. This provision of Alaska law requires annual notice to parents regarding disclosure of student names for purposes of University of Alaska scholarship eligibility.

MODEL NOTIFICATION OF RIGHTS UNDER FERPA  
FOR ELEMENTARY AND SECONDARY SCHOOLS

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. A copying fee will be charged in the amount of \_\_\_\_\_ per page if copies are desired.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the School principal [or appropriate official], clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

STUDENT RECORDS (CONTINUED)

Upon request, the School discloses education records without consent to officials of another school district or post-secondary institution in which a student seeks or intends to enroll. Additionally, by September 15 of each year, the district will provide to the University of Alaska a list of names and addresses of students in the graduating class who meet scholarship eligibility requirements for each scholarship program. Release of a student's name to the University of Alaska will not be made if the parent or eligible student objects. A parent's objection should be made in writing to the school principal.

NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or eligible student of the records request unless it states in its annual notification that it intends to forward records on request.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920  
(202) 260-3887

NOTE: In addition, a school may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification.

Added 9/01  
Revised 2/08

## SUSPENSION AND EXPULSION (INDIVIDUALS WITH EXCEPTIONAL NEEDS)

Note: The Individuals with Disabilities Education Act ("IDEA"), as amended in 2004, sets forth specific requirements for the discipline of students with disabilities. In 2006, federal regulations were amended to provide additional guidance to schools in implementing disciplinary sanctions.

A student receiving special education services is expected to follow the same behavior and conduct rules applicable to all students and is subject to discipline as set forth in those rules. The procedural safeguards established by district policies and regulations shall be observed in considering the suspension of special education students. In addition, students receiving special education may have additional rights relating to discipline and continuing services as set forth in the Individuals with Disabilities Education Act ("IDEA").

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student with a disability who violates behavior and conduct rules.

A student who has not been identified as a student with disabilities pursuant to the IDEA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had a basis of knowledge that the student had a disability before the behavior occurred.

Note: The district shall be deemed to have knowledge that the student has a disability if one of the following conditions exists: (20 USC 1415)(k)(5); (34 C.F.R. 300.534).

1. The parent/guardian has expressed concern in writing to supervisory or administrative personnel, or the student's teacher, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education.
3. The teacher of the student or other district personnel have expressed specific concerns about a pattern of behavior by the student directly to the district's Director of Special Education or to other supervisory personnel.

A district is not deemed to "have knowledge" as specified in items #1-3 above if the parent/guardian has not allowed an evaluation or has refused special education services; or, as a result of receiving such information, the district conducted an evaluation and determined that the student was not a student with a disability.

If it is determined that the district did not have knowledge that the student is a student with a disability, then the student shall be disciplined in accordance with procedures established for students without disabilities.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(cf. [5144.1](#) – *Suspension and Expulsion*)

(cf. [6164.4](#) – *Child Find*)

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SUSPENSION AND EXPULSION (INDIVIDUALS WITH  
EXCEPTIONAL NEEDS)  
(CONTINUED)

Removal for up to 10 days

District personnel may suspend a special education student for up to ten school days per year without providing educational services. The days need not be consecutive. Removals for up to ten school days may be out of school suspensions, or, alternatively, an interim alternative educational setting or another setting. Parents must be immediately notified of the discipline decision.

Removal for More Than 10 Days or Placement in an Interim Alternative  
Educational Setting

Note: In 2006, the federal regulations were changed so that removal in a single school year in excess of 10 days does not automatically constitute a change in placement requiring the provision of educational services and a manifestation determination. Specifically, a student with disabilities may be removed for up to 10 consecutive school days, and there may be additional removals of up to 10 consecutive school days for separate incidents, so long as the removals do not constitute a change in placement. 34 C.F.R. 300.530. A change in placement occurs if: 1) the removal is for more than 10 consecutive school days; or 2) a series of removals constitutes a pattern because they total more than 10 school days in a year; the child's behavior is substantially similar to that in previous incidents; and additional factors such as length of each removal, total time of removal from school, and proximity of removals to one another. The District is responsible for determining whether a pattern of removals constitutes a change in placement. That determination is subject to review through due process or court proceedings. 34 C.F.R. § 300.536.

Students whose suspension constitutes a change in placement must continue to receive a free and appropriate public education. This means that beginning with the change in placement for disciplinary purposes, educational services must continue to be provided and procedural protections are triggered.

A change in placement occurs if:

- 1) The removal is for more than 10 consecutive school days; or
- 2) The student has been subjected to a series of removals that constitute a pattern because:
  - a) the series of removals total more than 10 school days in a school year;
  - b) the student's behavior is substantially similar to the behavior in previous incidents that resulted in removal; and
  - c) such additional factors support a pattern such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

The District shall determine whether a pattern of removals constitutes a change in placement. This determination is subject to review through due process or judicial proceedings.

SUSPENSION AND EXPULSION (INDIVIDUALS WITH  
EXCEPTIONAL NEEDS)  
(CONTINUED)

Note: Districts may not impose repeated short-term suspension as a means of avoiding the normal change in placement procedures governing long-term removals. Such treatment could result in a finding that the district has changed the placement of a student with a disability without complying with the necessary formalities and safeguards.

The parents shall be immediately notified of the discipline decision and provided a notice of procedural safeguards on the day the change in placement decision is made.

Manifestation Determination

When a change in placement is contemplated for disciplinary purposes, the District must conduct a manifestation determination.

A. Timeframe for Making Determination

Within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of student conduct rules, a manifestation determination shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

B. How Determination is Made

In making a manifestation determination, the District, the parent, and relevant members of the student's IEP team (as determined by the District and the parent) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. if the conduct in question was the direct result of the District's failure to implement the IEP.

C. Manifestation is Found

If the District, the parent, and relevant members of the IEP team determine that either of the conditions above is met, the conduct shall be determined to be a manifestation of the student's disability. If the team determines that the student's conduct is a manifestation, then the child's placement cannot be changed except via the IEP team process. If a manifestation is found, the IEP team must either:

1. conduct a functional behavioral assessment, unless the District had already conducted one prior to the behavior leading to the change in placement, and implement a behavioral intervention plan for the student; or

SUSPENSION AND EXPULSION (INDIVIDUALS WITH  
EXCEPTIONAL NEEDS)  
(CONTINUED)

2. if a behavior intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior; and
3. except under special circumstances for drugs, weapons or serious bodily injury as set forth below, return the student to the placement from which the student was removed, unless the parent and the District agree to a change of placement as part of the behavior intervention plan.

D. No Manifestation is Found

If it is determined that the conduct is not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration as applied to students without disabilities, except that a free appropriate public education must continue to be provided. The educational services may be provided in an alternate setting.

Drugs, Weapons, or Serious Bodily Injury

For violations of school policies involving weapons, drugs, or serious bodily injury, school personnel may remove a student to an interim alternative educational setting for up to a maximum of 45 school days without regard to whether the behavior is a manifestation of the student's disability. The interim alternative educational setting shall be determined by the IEP team.

Removal under these special circumstances is available for infractions where a student:

1. carries or possesses a weapon to school or at school, on school premises, or to or at a school function; or
2. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. has inflicted serious bodily injury upon another person while at school, or on school premises, or at a school function.



**SUSPENSION AND EXPULSION (INDIVIDUALS WITH EXCEPTIONAL NEEDS)  
(CONTINUED)**

Note: The following definitions are applicable to special circumstance removals as set forth above:

**Controlled Substance:** The term "controlled substance" means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC 812 (c)).

**Illegal Drug:** The term "illegal drug" means a controlled substance but does not include a controlled substance that is legally possessed or used under supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law.

**Weapon:** The term "weapon" has the meaning given the term "dangerous weapon" under 18 USC section 930(g)(2) which means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

**Serious bodily injury:** The term "serious bodily injury" has the meaning given the term "serious bodily injury" under 18 USC 1365(h)(3) which means bodily injury involving -- (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

**School Day:** The term "school day" is defined as any day, including a partial day, that students are in attendance at school for instructional purposes. 34 CFR 300.309(c)(1).

### Disciplinary Appeals

Note: If the manifestation determination or the interim setting is challenged by the parent, an expedited hearing must be held. The child is to stay in the interim alternative setting pending the decision of the hearing officer or until the expiration of the time period provided for, unless the parent and district agree otherwise. If the district places the child in an interim setting and the district proposes a longer-term change in placement that is challenged by the parent, the child goes back to the current placement (the child's placement prior to the interim alternative educational setting). However, if school personnel feel it is dangerous for the child to remain in the current placement during the pendency of the due process proceedings, the district may request an expedited hearing.

In accordance with IDEA, the parent of a student with a disability who disagrees with any decision regarding a change in placement or a manifestation determination may request a due process hearing. Similarly, the District may request a hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others.

A hearing officer shall hear, and make a determination regarding, an appeal. The State of Alaska Department of Education and Early Development and the District shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

In making the determination on appeal, the hearing officer may order a change in placement of a student with a disability. In such situations, the hearing officer may:

1. return the student to the placement from which the student was removed; or

SUSPENSION AND EXPULSION (INDIVIDUALS WITH  
EXCEPTIONAL NEEDS)  
(CONTINUED)

2. order a change in placement to an appropriate alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

Placement during appeals:

When an appeal has been requested by either the parent or the District, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for deciding the hearing, whichever occurs first, unless the parent and the District agree otherwise.

Dangerousness: A hearing officer may place a student in an appropriate interim alternative educational setting on the grounds of dangerousness if there is a substantial likelihood of injury to the student or others if the student remains in his current placement. Such placement may be ordered for up to 45 days at a time.

Note: The standard for determining dangerousness provides that a hearing officer may order placement in an interim alternative educational setting for not more than 45 days if the hearing officer:

- (1) determines that the District has demonstrated by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or to others;
- (2) considers the appropriateness of the student's current placement;
- (3) considers whether the district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services;
- (4) determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of the IDEA and its regulations.

Revised 9/99  
Revised 01/07  
Revised 2/08

## INTERSCHOLASTIC COMPETITION

## Alaska School Activities Association (ASAA) Eligibility Requirements

Note: The following ASAA rules are intended to be minimum requirements for student eligibility to participate in all sanctioned interscholastic activities. These rules do not preclude a school or district from imposing additional rules that are reasonable and not in conflict with those set forth below.

In order to participate in ASAA activities, a student must:

1. Be properly registered in a 9-12 high school program or any combination thereof, in the school where the student will participate. ("School of Eligibility").

Note: Students enrolled in statewide correspondence programs (who are ASAA members) must comply with the enrollment rules. If a student is enrolled full time in the statewide correspondence program, the student may not participate on another school's team. ASAA rules should be consulted regarding eligibility for students attending non-member charter schools, alternative schools, or programs.

2. All second semester freshmen, sophomores, and juniors, as well as seniors who are not on track to graduate and/or who have not passed all parts of the HSGQE, must be enrolled in a minimum of five semester units of credits at the School of Eligibility or its district, that lead to granting of credit toward graduation.
3. Students in grade 12 who are on track to graduate and have either passed all parts of the HSGQE, or are not required to take the HSGQE, must be enrolled in a minimum of four semester units of credit at the School of Eligibility or its district.
4. Maintain at least an overall 2.0 GPA during the current semester. Students who do not maintain this GPA may regain eligibility during the current semester by achieving and maintaining an overall 2.0 GPA.
5. Be in regular attendance at school classes in which enrolled or for which credit is granted (or be enrolled in a district or member school correspondence program).
6. All students other than those first entering 9<sup>th</sup> grade must have passed, for the immediately preceding semester, at least four semester units of credit toward graduation and maintained an overall 2.0 GPA. Those who did not maintain this GPA may regain eligibility during the current semester by achieving and maintaining an overall 2.0 GPA.
7. All second semester freshman, sophomores, and juniors, as well as seniors who are not on track to graduate or who have not passed all parts of the HSGQE when it is required, must have passed at least five semester units of credit or the equivalent during the previous semester and maintained a 2.0 overall GPA.
8. Second semester seniors who are on track to graduate and have passed all parts of the HSGQE must have passed four semester units of credit, or the equivalent, during the previous semester and maintained a 2.0 overall GPA.
9. All first semester seniors must have passed at least five semester units of credit, or the equivalent, during the previous semester in order to be eligible anytime during the current semester.

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**Deleted:** Seniors who have not maintained an overall 2.0 gpa during the previous semester may regain eligibility during the current semester by achieving and maintaining an overall 2.0 gpa within the school's grading system.

INTERSCHOLASTIC COMPETITION (CONTINUED)

10. Meet district eligibility requirements, if any.

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(cf. [6145](#) – Extracurricular activities)

Semester credit rules apply to each semester, following the first semester of the ninth grade.

All first semester freshmen are immediately eligible for the first semester.

A grade of incomplete is considered as not passing until the incomplete is changed on the official school records. Academic deficiencies may be made up through successful completion of correspondence courses or summer school. Correspondence study students must meet the same time frame as regular students.

A student expelled from a school is not eligible to participate in the interscholastic competition at another school during the period of expulsion.

Maximum Participation Rule

Note: Beginning with the 2006-07 school year, no student will have more than eight consecutive semesters of ASAA eligibility.

1. Students first entering 9<sup>th</sup> grade will have eight consecutive semesters of eligibility.
2. Students first entering 10<sup>th</sup> grade will have six consecutive semesters of eligibility.
3. Students first entering 11<sup>th</sup> grade will have four consecutive semesters of eligibility.
4. Students first entering 12<sup>th</sup> grade will have two consecutive semesters of eligibility.

Eligibility Reporting

1. The Superintendent or designee shall submit a Master Eligibility List for each activity to ASAA before the first contest of that season. For competitions that involve only one contest, the list must be received by ASAA at least five days before the contest. Any additions or deletions to the eligibility lists must be filed as an addendum to the original list before an individual is eligible to participate.

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INTERSCHOLASTIC COMPETITION (CONTINUED)

2. Activities that require Master Eligibility Lists to be filed with the ASAA office are as follows:

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All-State Art Competition

- All State Honor Music
- Baseball
- Basketball
- Bowling
- Cheerleading/Dance/Drill Team/Competitive
- Cross Country Running
- Debate/Drama/Forensics
- Football

8-player Football

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Flag Football

- Gymnastics
- Ice Hockey (both boys and girls)
- Nordic Skiing
- Rifle

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- Soccer
- Softball
- Solo and Ensemble Music
- State Student Government Conferences
- Swimming and Diving
- Tennis
- Track and Field
- Girls Volleyball and Mixed Six Volleyball
- Wrestling
- World Language

Drug Free Environment

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All ASAA sponsored events will be conducted in drug free environments. Use, possession, and/or distribution of alcohol, tobacco, or controlled substances is strictly prohibited.

Revised 2/06

Revised 2/08

INTERSCHOLASTIC COMPETITION

Note: The following Exhibit is ASAA's Citizenship Rule and Controlled Substance, Alcohol and Tobacco Policy. Effective with the beginning of the 2008-09 school year, all students who participate in any ASAA sanctioned activity which requires the submission of the Master Eligibility List (see AR 6145.2 for a list of those activities), will be subject to the rules below as a condition of eligibility. A participating student will be subject to these rules beginning with the first interscholastic competition in 2008-09 and will remain subject to the rules for the remainder of the student's high school years. Violations of the policy are cumulative throughout a student's high school years in Alaska, regardless of which school the student is attending. Schools, not ASAA, will determine whether a violation has occurred and must report violations to ASAA as specified below.

ASAA CITIZENSHIP RULE (REVISED)  
FEBRUARY 26, 2008

ASAA Article 12, Section 8, Citizenship Rule and Controlled Substance, Alcohol and Tobacco Policy

The determination by a member school that a student is ineligible based on poor citizenship or violation of the Controlled Substance, Alcohol and Tobacco Policy, is not appealable to the Association. A student who is expelled from a school will not be eligible in another school for the duration of the period of expulsion.

A. Controlled Substance, Alcohol and Tobacco Position Statement:

ASAA and its member schools recognize that the use of controlled substances, alcohol and tobacco is a significant health problem for many students, resulting in negative effects on behavior, learning and their total development. The use of controlled substances, alcohol and tobacco by students affects academic development, personal growth, extracurricular activities participation and the development of related skills. Others affected by misuse and abuse are family members, teammates and other significant persons in their lives.

ASAA and its member schools believe that close contact of parents, coaches, advisors, students and communities in interscholastic activities and classrooms provides a unique opportunity to observe, confront and assist one another. It is the philosophy of ASAA and its member schools that students should be encouraged and supported in their efforts to develop and maintain a chemical-free life style.

Participation in ASAA sanctioned sports and activities is a privilege which requires all participants to adhere to rules imposed by the member schools and/or member districts that students attend and represent. The policy described in this article is intended to further the following purposes:

1. To emphasize the health and safety of students while participating in activities, to recognize the long-term physical and emotional effects of controlled substance, alcohol and tobacco use on student health, and to minimize the potential for injury.
2. To promote a sense of order and discipline among students.

INTERSCHOLASTIC COMPETITION (CONTINUED)

3. To recognize that a student's possession, distribution or use of controlled substances, alcohol, or tobacco during the school year or during interscholastic competition outside of the school year, even during times when the student is not actively participating in interscholastic activities, may nevertheless be detrimental to health, safety, order and discipline when the student is participating.
4. To assist schools in the establishment of policies that are consistent with ASAA standards of athletic and activity eligibility.
5. To support schools that have programs to assist students in resisting peer pressure which influences students to use controlled substances, alcohol, and tobacco.

B. Policy Regarding Possession, Distribution and Use of Controlled Substances, Alcohol and Tobacco:

In order to ensure adoption of controlled substance, alcohol and tobacco use policies by member schools and districts, ASAA requires that member schools and districts adopt the following policy. This is intended to set forth minimum restrictions and penalties, subject to greater or additional restrictions or penalties which may be adopted by member schools or school districts.

1. Prohibited Conduct: The possession, distribution or use of any controlled substance, alcohol or tobacco products by a student-athlete or activity participant, whether it occurs on or off school property, is prohibited and shall result in the penalties set forth herein.
2. Time Period During Which Policy Applies: The policy in this section applies to any student who is participating or has participated in interscholastic activities starting from the student's first participation in interscholastic activities, including formal practices which precede interscholastic competition after the initial signing of the Student and Parent/Legal Guardian Acknowledgement Form, at any ASAA member school, and continuing until the student graduates from high school. This policy applies during "calendar days" as defined in this section. The policy first goes into effect on July 28, 2008.
3. Educational Component: The educational component is a critical part of the policy and is comprised of four parts: Pre-Participation Orientation, First Offense, Second Offense, and Third Offense. ASAA will provide the first three parts of this component to member schools on DVD and through the ASAA website.

An overview of each part is included under section 9. Definitions.

4. Cumulative and Progressive Penalties: Violations of this policy will be cumulative and progressive, as described in the following paragraph, throughout a student's high school years. If a student transfers from one ASAA member school to another ASAA member school, the student's cumulative violations will accompany such transfer and shall be the basis for any additional penalties should further violations occur.

INTERSCHOLASTIC COMPETITION (CONTINUED)5. Minimum Penalties for Violation of this Policy: Minimum penalties for violations of this policy are:

First Offense The student will be suspended from interscholastic activities and practice for 10 (ten) calendar days (as defined in Section 9). Fifty (50) percent of the suspension will be forgiven and the student may return to practice if the student and parent guardian complete the First Offense educational component.

Second Offense The student will be suspended from interscholastic activities and practice for forty-five (45) calendar days. Both the student and parent/guardian must complete the Second Offense educational component prior to the student's return to competition and there will be no forgiveness of calendar days of suspension. While under the period of suspension, the student may return to practice after completion of the Second Offense educational component. A student may need additional days of practice before returning to competition (See Article 7, Section 5).

Third Offense The student will be suspended from interscholastic activities and practice for one (1) calendar year. Both the student and parent/guardian must complete the Third Offense educational component prior to the student's return to competition and there will be no forgiveness of calendar days of suspension. While under the period of suspension, the student may return to practice after completion of the Third Offense educational component. A student may need additional days of practice before returning to competition (See Article 7, Section 5).

Fourth Offense The student's privilege to participate in interscholastic activities and practice is revoked for the remainder of the student's high school years.

These are minimum penalties which may be increased by the member school or member school district, based upon (1) the nature of the violation, (2) the extent to which it occurs on school property or during school activities, and (3) the extent to which it arises in the context of the student's participation in interscholastic activities. Penalties shall be imposed beginning on the first calendar day following a determination that a violation has occurred, except to the extent a school's appeals policy permits a student to continue to participate pending final determination of any appeal filed by the student under such policy. In such case, penalties shall be imposed on the first calendar day following a determination on appeal that a violation has occurred. A student shall be considered ineligible during each calendar day in which a penalty is imposed.



INTERSCHOLASTIC COMPETITION (CONTINUED)

6. Determination of Violations: In implementing this policy, it will be the member school's responsibility to determine the nature and extent of a violation, to impose and enforce any penalty, to report each violation to ASAA on a standardized form, and to maintain records of all violations by each student occurring after the student's first participation in interscholastic activities. A member school's determination that a violation has occurred and its imposition of penalty may not be appealed to ASAA. If a member school or member school district reverses a determination of violation, it shall promptly notify ASAA of such reversal.

7. Violations Reported to ASAA: After determining that a violation has occurred, the member school shall report the violation to ASAA on the required form. ASAA will provide a School Report of Violation Form to member schools and districts. Member schools and districts must report to ASAA a violation of this policy within 3 calendar days of determination that such violation has occurred. A report of violation must show all violations which occurred at the member school or district and the dates thereof, including the specific basis upon which a determination of violation was made. It is ASAA's intension to maintain the confidentiality of all such reports. As such, information concerning a student's previous violations will be disclosed by ASAA only to an administrator of the member school which the student is attending. Such records shall be made available to the student and/or the student's parent or legal guardian upon written request.

8. Student and Parent/Guardian Acknowledgement: ASAA will provide a Student and Parent/Legal Guardian Acknowledgement Form to member schools and districts. The form will explain the policies of this section and penalties for violations. The form must be signed by the student and the student's parent or legal guardian, and requires that the student and parent or legal guardian acknowledge that they have read and understood the terms of the policy, including the potential penalties for violations, and that it requires the school to report such violations to ASAA. The form will require that the student and parent or legal guardian agree to be bound by these terms. In each year in which a student participates in interscholastic activities, copies of the signed forms must be returned to the school before the student is permitted to participate. Member schools shall keep a copy of the signed forms on file.

9. Definitions: As used in this section, terms are defined as follows:

Calendar Days – Each day, including weekends and holidays, during the member school's school year. Additionally, if a student participates in any interscholastic activity, including practice, outside of the school year, then the entire period of such participation, including intervening weekends and holidays, counts as calendar days for such student.

Controlled Substance – Any substance appearing on the list of Controlled Substances identified by the federal Office of the Drug Enforcement Administration or as set forth in 21 U.S.C. Section 812, unless the student's usage of such substance is consistent with a physician's prescription for the student's usage.

## HIGH SCHOOL GRADUATION REQUIREMENTS

Note: Transfer students who have earned 13 unit credits in another district may, at the district's discretion, be excused from the district's subject area units-of-credit requirements. 4 AAC 06.075.

Note: The following sample policy reflects the minimum graduation requirements specified in 4 AAC 06.075 and should be revised to reflect district philosophy and needs. Effective February 1, 2004, no secondary student may be issued a diploma unless he or she has passed a competency examination in the areas of reading, English, and mathematics (High School Graduation Qualifying Exam). AS 14.03.075.

The Superintendent or designee shall prepare for Board approval a plan consisting of district graduation requirements. Students shall receive diplomas of graduation from high school only after meeting the following district graduation requirements, as well as successful completion of any required high school competency examination:

| Subject                   | Units of Credit |
|---------------------------|-----------------|
| Language Arts             | 4               |
| Social Studies            | 3               |
| Mathematics               | 3               |
| Science                   | 2               |
| Health/Physical Education | 1.5             |
| Electives                 | 7.5             |
| TOTAL                     | 21              |

\*Note: Beginning January 1, 2009, the three units of credit in social studies must include one-half unit of credit in Alaska history or demonstration that the student meets the Alaska history performance standards. This requirement will not apply to a student who (1) transfers into your school after the student's second year of high school; or (2) has already successfully completed a high school state history course in another state. 4 AAC 06.075.

(cf. [5127](#) – Graduation Ceremonies and Activities)

(cf. [6164.2](#) – Guidance and Counseling Services)

(cf. [6146.3](#) – Competency Testing)

(cf. [6184](#) – Virtual/Online Courses)

HIGH SCHOOL GRADUATION REQUIREMENTS (CONTINUED)

*Legal Reference:*

ALASKA STATUTES

14.03.075 – Secondary pupil competency testing

ALASKA ADMINISTRATIVE CODE

4 AAC 06.075 – High school graduation requirements

[4 AAC 06.771-.790 – High School Graduation Qualifying Examination Waivers](#)

Revised 9/2000

[Revised 2/08](#)

SOUTHWEST REGION SCHOOL DISTRICT

Adopted: November 2, 2006

Reviewed: May 17, 2007

Adopted: September 27, 2007

[Reviewed: March 25, 2008](#)

[Adopted:](#)

HIGH SCHOOL EQUIVALENCY TEST

Note: Pursuant to 8 AAC 99.120, persons aged 16 or 17, who are not enrolled in high school, are eligible to take the GED test if they are legally emancipated or have parent permission and a withdrawal slip from the last school attended.

The School Board recognizes that individuals may obtain an Alaska high school diploma by successfully completing the Alaska General Educational Development Test. However, the Board desires that every student have the opportunity to earn a high school diploma through successful completion of district graduation requirements and encourages students to remain in school.

*(cf. 5147 – Dropout Prevention)*

Legal Reference:

ALASKA ADMINISTRATIVE CODE  
8 AAC 99.110 – 99.190 High school equivalency test

Revised 1/04

SOUTHWEST REGION SCHOOL DISTRICT

Reviewed: March 25, 2008

Adopted:

## HIGH SCHOOL GRADUATION QUALIFYING EXAM

Note: Effective February 1, 2004, a secondary student may not be issued a diploma unless he or she has passed the High School Graduation Qualifying Exam ("HSGQE"). The HSGQE tests student competency in three areas: reading, English, and math. There are three methods for a student to receive a diploma without having passed the HSGQE: through a waiver (see AR 6146.3); through an alternative assessment program for qualifying students with disabilities (see BP 6146.5); or through passage of a qualifying exam in a student's prior state of enrollment (see BP/AR 6146.4). DEED has developed regulations that include criteria and procedures for local school boards to follow in using a waiver to grant a diploma to a student. Likewise, a special education student who does not achieve a passing score on the examination, with or without accommodation, is eligible for a diploma if the student successfully completes an alternative assessment program required by the IEP. The Department is charged with establishing uniform standards for an alternative assessment program.

The Board shall provide for a high school graduation qualifying exam of all secondary students in the areas of reading, English, and mathematics. The exam shall be administered in accordance with state law and regulations. A student who successfully completes the district's graduation requirements shall be issued a diploma upon successful completion of the competency examination or reexamination. A diploma may also be issued to students with an approved waiver of the qualifying exam, to students successfully completing an alternative assessment program in accordance with state law, or to students who have successfully passed another state's competency exit exam.

(cf. [5127 Graduation Ceremonies and Activities](#))  
(cf. [6146.1 High School Graduation Requirements](#))  
(cf. [6146.3 High School Graduation Qualifying Exam](#))  
(cf. [6146.4 Reciprocity on Graduation Requirements](#))  
(cf. [6146.5 Differential Requirements for Individuals With Exceptional Needs](#))  
(cf. [6162.5 Standardized Testing](#))

Note: Effective December 21, 2007, districts are required to provide a remediation program for students who have not passed one or more subtests of the HSGQE after the fall administration of the exam in the student's 11th grade year. Remediation services to a student must begin no later than the start of the second semester of the student's 11th grade year and are to continue as necessary for the student to pass all subtests of the HSGQE. 4 AAC 06.759.

The Board is committed to providing support and remediation to assist students in successful completion of the high school graduation qualifying exam. Additional instruction and study that targets the skills tested on the exam shall be provided to all students who, following the fall administration of the exam in the student's 11th grade year, have not passed one or more portions of the exam.

COMPETENCY TESTING – HIGH SCHOOL GRADUATION QUALIFYING EXAM  
(CONTINUED)

*Legal Reference:*

ALASKA STATUTES

14.03.075 – Secondary Pupil Competency Testing

ALASKA ADMINISTRATIVE CODE

4 AAC 06.075 – High School Graduation Qualifying Exam

4 AAC 06.758 – High School Graduation Qualifying Examination Results

4 AAC 06.759 – High School Graduation Qualifying Examination Remediation

4 AAC 06.765 – Test Security; Consequences of Breach

4 AAC 06.771-790 – High School Graduation Qualifying Waivers and Appeals

*Revised 9/2000*

*Revised 1/04*

*Revised 2/08*

SOUTHWEST REGION SCHOOL DISTRICT

Adopted: November 2, 2006

Reviewed: December 14, 2006

Adopted: January 31, 2007

Reviewed: March 25, 2008

Adopted:



### Application for a Waiver From Passing the High School Graduation Examination Due to Late Arrival into the Alaska Public School System

State of Alaska regulation 4 AAC 06.773 allows students to request a waiver from passing the High School Graduation Qualifying Examination (HSGQE) if the student arrives late into the Alaska public school system. The student must submit a waiver request to the local school board for consideration. A student who receives a waiver from passing the HSGQE must also meet all other state and school district requirements for graduation in order to receive a high school diploma.

Complete all items below and attach supporting documentation as necessary before submitting this waiver request to the local school board.

|   |   |                          |
|---|---|--------------------------|
| Current School District   |   |                          |
| Student's Name  |   |                          |
| Student Ten Digit State ID Number                                 |   |                          |
| Student's Grade Level   |   |                          |
| Date Enrolled in District   |   |                          |
| Number of semesters remaining (not to exceed 2)                   |   |                          |
| Intended Year of Graduation                                       |   |                          |
|   |   | Provided<br>(✓)          |
| Documentation from current school                                 | Enrollment records from (school name):  | <input type="checkbox"/> |
|   | Enrollment date:  |                          |
| Documentation from previous out-of-state school                   | Enrollment records from (school name):  | <input type="checkbox"/> |
|   | Enrollment date:  |                          |
|   | Exit date:  |                          |
| Documentation that verifies student's physical presence in Alaska | Indicate type of documentation presented:   | <input type="checkbox"/> |
|   | Transportation (airline tickets, etc.)  | <input type="checkbox"/> |
|   | Lodging receipts (hotels, etc.)   | <input type="checkbox"/> |
|   | Affidavit/certification (signed by relative or other person who can verify this student's presence in Alaska) | <input type="checkbox"/> |

|  |
|--|
| Waiver is: <b>Approved:</b> _____ <b>Denied:</b> _____                         |
| _____    _____<br><i>Signature of local school board authority</i> <i>Date</i> |
| For School Board Use Only  |

*The governing body's decision approving or denying the request for a waiver must be in writing and shall be delivered by registered mail. The governing body shall also provide a copy of the decision to the department. The governing body shall state the reason for its decision in the written decision. In the event that a local school board denies a student's waiver from passing the High School Graduation Qualifying Exam, the student may appeal the denial to the Department of Education & Early Development under 4 AAC 06.740.*

This document may be found at  
<http://www.eed.state.ak.us/forms/Assessment/05-04-013.doc>



### Application for an HSGQE Waiver Due to a Rare and Unusual Circumstance

State of Alaska regulation 4 AAC 06.772 and .774 allow a student to request a waiver from passing the High School Graduation Qualifying Examination (HSGQE) if the student suffers a rare and unusual circumstance beyond the control of the student, the student's parents, and the school, and the circumstance is such that no other recourse or remedy exists to address the circumstance before the student's intended year of graduation.

Complete all items and attach supporting documentation to ensure consideration of this waiver request by the regional school board.

|  |   |
|--|---|
| Current School District  |   |
| Student's Name   |   |
| Student Ten Digit State ID Number  |   |
| Student's Grade Level  |   |
| Intended Year of Graduation  |   |
| Number of semesters remaining (not to exceed 2)  |   |
| Name of Current School   |   |
| Type of waiver and required documentation:   | Select<br><input checked="" type="checkbox"/> |
| <b>Death of the student's parent</b> if the death occurred within the last semester of the student's year of intended graduation. The parent must be a biological parent or legal guardian only. <i>Required documentation:</i> Provide documentation indicating the date of the death and that the parent was the natural parent or legal guardian.   | <input type="checkbox"/>                      |
| <b>A serious or sudden illness</b> that prevents the student from taking the HSGQE, if the illness occurred within the last semester of the student's year of intended graduation. <i>Required documentation:</i> Affidavit or certification from the student's treating, licensed medical professional. The licensed professional must state the diagnosed medical condition prevented the student from taking the HSGQE and was beyond the control of the student or the student's parents.  | <input type="checkbox"/>                      |
| <b>A serious physical injury</b> that prevents the student from taking the HSGQE, if the injury occurred within the last semester of the student's year of intended graduation. <i>Required documentation:</i> Affidavit or certification from the student's treating, licensed medical professional. The licensed professional must state the diagnosed medical condition prevented the student from taking the HSGQE and was beyond the control of the student or the student's parents.   | <input type="checkbox"/>                      |
| <b>A disability arising</b> in the student's high school career and the disability arises too late to develop meaningful and valid assessments. The waiver is consistent with the student's IEP team recommendations and the principal and superintendent support the waiver request. <i>Required documentation:</i> Documentation must be provided from the student's IEP team that verifies the date on which the disability was determined, information describing why no meaningful or valid alternative assessment could be used, and documentation of support from the school principal and district superintendent. | <input type="checkbox"/>                      |

*Page 1 of 2 – Please continue on to the next page.*

This document may be found at  
<http://www.eed.state.ak.us/forms/Assessment/05-04-014.doc>



| Type of waiver and required documentation (continued):   | Select (✓)   |
|--|--|
| <p><b>A significant and uncorrectable system error has occurred, limited to:</b></p> <p>Test materials lost in transit after exam was administered. <b>Required documentation:</b> Provide documentation that verifies that the district mailed the materials, including documentation from the U.S. Postal Service, or from the carrier used to transport the exam materials.</p> <p>The student's school or district failed to administer the exam. <b>Required documentation:</b> No documentation required of the student-applicant; the school district can verify this information.</p> <p>The student was in the 9<sup>th</sup> grade or higher in the Alaska public school system during the 2002-03 school year, and is a student with a disability covered by IDEA, and the student or student's IEP team relied on advice from the State of Alaska Department of Education &amp; Early Development regarding whether an <b>alternate assessment</b> would lead to a diploma; and the student participated in an alternate assessment prescribed by his or her IEP team. <b>Required documentation:</b> Attach supporting documentation from the student's IEP team verifying the above information and verifying the student's participation in the alternate assessment.</p> | <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
| <p><b>Unable to participate in the regular HSGQE due to a disability.</b> This waiver does not exempt the student from passing the exam but from taking the regular HSGQE the student's sophomore year. The student or the student's parent must file a Request for Permission (form #05-05-020) before October 31, of sophomore year or the year in which the student is first enrolled in the state to the local governing body. If the student is granted permission from taking the regular HSGQE, the IEP or 504 team must then apply for an alternative assessment program: modified HSGQE or nonstandardized HSGQE. If approval is granted for the Request for Permission and one alternative assessment program, the student or student's parent may apply and submit this waiver in the final semester of the student's year of intended graduation. <b>Required documentation:</b> Granted Request for Permission with all attached evidence, copy of the approved alternative assessment application which was completed by the IEP/504 team and signed by the Department, evidence of proficiency on the alternative assessment (modified or nonstandardized) and any other information required in the Participation Guidelines.</p>  | <p><input type="checkbox"/></p>  |

| <b>FOR SCHOOL BOARD USE ONLY</b>   |             |
|--|-------------|
| <p>Waiver is:      Approved: _____      Denied: _____</p>  |             |
| <p>(state reason)</p>  |             |
| <p>Signature of Regional School Board authority</p>  | <p>Date</p> |
| <p><small>The governing body's decision approving or denying the request for a waiver must be in writing and shall be delivered to registered mail. The governing body shall also provide a copy of the decision to the department. The governing body shall state the reason for its decision in the written decision. In the event that a local school board denies a student's waiver from passing the High School Graduation Qualifying Exam, the student may appeal the denial to the Department of Education &amp; Early Development under § AAC 05.780.</small></p> |             |

Form #05-04-014  
Alaska Department of Education & Early Development

This document may be found at  
<http://www.eed.state.ak.us/forms/Assessment/05-04-014.doc>



**Application for an Appeal to a Denial for  
a Waiver from Passing the High School  
Graduation Qualifying Examination**

In the event that a High School Graduation Qualifying Examination waiver is denied by the local school board, State of Alaska regulation 4 AAC 06.780 provides for an appeal to the Alaska Department of Education & Early Development. The appeal must be postmarked no later than 30 days after receipt of the notice of denial from the local school board. The governing body will forward to the Department of Education & Early Development the entire record relating to the student's waiver within 20 days of the appeal.

**Student Information:**

|                                       |  |
|---------------------------------------|--|
| Current School District               |  |
| High School Name                      |  |
| Student's Name                        |  |
| Student Ten Digit State ID Number     |  |
| Student's Address                     |  |
| Student's Phone Number                |  |
| Student's Grade Level                 |  |
| Student's Intended Year of Graduation |  |

**Purpose of Waiver Request Denied by Local Governing Body (✓):**

- Arriving late into Alaska Public School System (4 AAC 06.773)
- Rare and Unusual Circumstances (4 AAC 06.774)
- Passed Another State's Competency Examination (4 AAC 06.777)

**Statement of grounds for the appeal, including a brief summary explaining how the local school board erred in its decision to deny the waiver. Include additional pages if necessary.**

Parent or Student Signature Required \_\_\_\_\_

*Send form to the Commissioner of Education & Early Development at PO Box 110500, Suite 200,  
Juneau, AK 99811-0500 (fax 907-463-2600)*

INDIVIDUALIZED EDUCATION PROGRAM

Students with disabilities shall be placed, to the maximum extent appropriate, in the least restrictive environment which meets their needs. The Board provides a full range of educational alternatives to facilitate this placement so that these students may interact with students without disabilities in an understanding, cooperative and mutually respectful environment. Students shall be placed outside of the regular classroom only when the student's specific needs cannot be met in that setting.

Upon the identification of a student with disabilities and a determination of student eligibility, the Superintendent or designee shall appoint an individualized education program (IEP) team. This team shall consider the student's needs, determine the content of his/her IEP, make placement decisions, and determine whether alternative assessments and curricular offerings are necessary and appropriate. An IEP must be completed within 30 days after a student is determined eligible for services. Students and parents/guardians shall have the right to participate in the development of the IEP in accordance with law.

(cf. [6164.4](#) - *Child Find*)

Note: The IEP team shall consider the factors specified in law and administrative regulation, as well as the educational and nonacademic benefits of placing the student in a regular class. The IEP team shall determine what support services would be needed in order to maintain this placement. All placement decisions should promote maximum social interaction between students with disabilities and their nondisabled peers, in a manner that is appropriate to the needs of each.

Each IEP shall be consistent, to the maximum extent appropriate, with the curriculum and course of study pursued in the regular education program. Students with disabilities should also receive instruction which fosters their independence and integration into the community.

(cf. [6143](#) - *Courses of Study*)

Note: The following paragraphs reflects parental consent requirements provided in AS 14.30.191 - .194, 20 U.S.C. 1414(a)(1)(d) and 34 CFR 300.300(a).

Parents/guardians must consent in writing to the student's placement in a special education program, and written parental consent shall be obtained before any such placement is made. If parents refuse initial consent for services, the district is not required to convene IEP meetings for the child.

(cf. [1312.3](#) - *Public Complaints Concerning Discrimination of Exceptional Children*)

(cf. [3541.2](#) - *Transportation*)

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

(cf. [6146.5](#) - *Different Graduation and Competency Standards for Individuals with Exceptional Needs*)

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**Deleted:** Note: IEP teams should be aware of *Sacramento City School District v. Rachel H.* in which it was determined that when addressing the issue of appropriate placement for a child with disabilities under federal law, the court may balance the following factors: (1) the educational benefits of placement full-time in a regular class; (2) the nonacademic benefits of such a placement; (3) the student's effect on the teacher and children in the regular class; and (4) the costs of mainstreaming the student.

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**Deleted:** Once an IEP team has determined an appropriate placement with the parent/guardian's approval, that placement remains in effect unless the parties agree otherwise or a due process hearing officer so orders.

INDIVIDUALIZED EDUCATION PROGRAM (CONTINUED)

*Legal Reference*

ALASKA STATUTES

14.30.180-350 – Education for Exceptional Children

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.756 Individuals with Disabilities Education Act

COURT DECISIONS

Sacramento City School District v. Rachel H, 14 F.3d 1398 (9<sup>th</sup> Cr. 1994)

*Added 9/99*

*Revised 1/04*

*Revised 2/06*

*Revised 2/08*

SOUTHWEST REGION SCHOOL DISTRICT

Adopted: November 2, 2006

Reviewed: December 14, 2006

Adopted: January 31, 2007

Reviewed: March 25, 2008

Adopted:

INDIVIDUALIZED EDUCATION PROGRAM

Note: The following sample regulation reflects requirements found in the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1487); the 2006 amendments to the implementing regulations (34 C.F.R. 300.1 – 300.756); and the 2007 changes to DEED's regulations (4 AAC 52.010-52.900).

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. (34 CFR 300.323)

MEMBERS OF THE IEP TEAM

The IEP team for any student shall include at least the following members: (20 USC 1414(d)(1); 34 CFR 300.321)

1. The parents/guardians of the student with a disability.
2. If the student is or may be participating in the regular education program, not less than one regular education teacher.
3. Not less than one special education teacher, or where appropriate, not less than one special education provider for the student.
4. A representative of the district who is:
  - a. qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities.
  - b. knowledgeable of the general curriculum; and
  - c. knowledgeable about the availability of district and/or state resources.
5. An individual who can interpret the instructional implication of evaluation results, who may already be a member of the team as described above.
6. At the discretion of the parent/guardian or district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate.

Note: Pursuant to 34 CFR 300.321, the determination as to whether an individual has "knowledge or special expertise" must be made by the party (either the district or parent) who invited the individual to the IEP meeting.

7. Whenever appropriate, the student with a disability.

Note: 34 CFR 300.344, as amended, clarifies the circumstances under which it is appropriate to include student's who receive transition services as members of the IEP team.

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INDIVIDUALIZED EDUCATION PROGRAM (CONTINUED)

8. Transition service participants to include:

- a. The student with the disability if a purpose of the meeting will be to consider post-secondary goals and transition services needed to assist the student to meet those goals. If the student does not attend the IEP team meeting, the district shall take other steps to ensure that the student's preferences and interests are considered.
- b. To the extent appropriate and with consent of the parent or student who has reached the age of majority, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

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Note: "Transition services" means a coordinated set of activities for a student with a disability that is designed as part of an outcome-oriented process that promotes the student's movement from school to post-school activities, such as post-secondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living, and community participation. The transition services must be based on the individual student's needs, taking into account the student's preferences and interests. The services must address the student's needs in the areas of instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, the acquisition of daily living skills and functional vocational evaluation. 4 AAC 52.145.

9. For students enrolled in a private school who receive special education services from the District, a representative of the private school.

Note: The following optional section lists additional individuals who may also be invited to participate.

In addition, any of the following may participate, as appropriate:

- 1. Related services personnel if the student's evaluation indicates the need for a specific related service.
- 2. Any other person whose competence is needed because of the nature and extent of the student's disability.
- 3. A public agency representative fluent in the student's primary language.

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Deleted: For students with suspected learning disabilities, a person other than the student's regular teacher who has observed the student's educational performance in an appropriate setting.

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Deleted: The program specialist, school psychologist, school nurse, school social worker, counselor, or other student services worker who has conducted an assessment of the student, when the assessment is significant to the development of the IEP.

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Note: A member of the IEP team may be excused from an IEP meeting, in whole or in part, if the parent/guardian and the district agree that the member's attendance is not necessary because the member's area of curriculum or related services is not at issue for that specific meeting. Additionally, a member may be excused from attending an IEP meeting, in whole or in part, when the meeting does involve a discussion and/or change to the member's area of the curriculum or related services if: 1) the parent/guardian and district consent; and 2) the member submits written input regarding development of the IEP and this input is submitted to the parent and district prior to the meeting. In either instance just discussed, the parent/guardian consent must be in writing. 20 USC § 1414; 34 C.F.R. 300.321.

INDIVIDUALIZED EDUCATION PROGRAM (CONTINUED)

IEP MEETINGS

The IEP team shall meet: (20 USC 1414(d))

- 1. Within 30 days of determining a child eligible for special education and related services.
- 2. When considering a change in the IEP, including placement.
- 3. Whenever the parent/guardian or other IEP team member makes a request for a meeting to develop, review or revise the IEP.
- 4. On or before the annual review date to:
  - a. Review the student's progress and to determine whether the student's annual goals are being achieved.
  - b. Review the IEP and the appropriateness of placement.
  - c. Make any necessary revisions to the IEP.

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- 5. To review or create an assessment plan to develop a behavior intervention plan in discipline matters related to suspensions or expulsions.

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed on time and place. (34 CFR 300.322). When conducting IEP meetings, the parent and district may agree to use alternative means to attend or participate in the meeting, such as video conferences or telephone conference calls.

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An IEP meeting may be conducted without a parent/guardian in attendance only if the district is unable to convince the parent/guardian that he/she should attend. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, such as: (34 CFR 300.322)

- 1. detailed records of telephone calls made or attempted and the results of those calls.
- 2. copies of correspondence sent to the parent/guardian and any response received, and
- 3. detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

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INDIVIDUALIZED EDUCATION PROGRAM (CONTINUED)

CONTENTS OF THE IEP

The IEP shall be a written statement determined in a meeting of the IEP team. It shall include, but not be limited to, all of the following: (20 USC 1414(d); 34 CFR 300.320 and 300.324; AS 14.30.278; 4 AAC 52.140)

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1. A statement of the present levels of the student's academic achievement and functional performance, including of the following:

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a. How the student's disability affects his/her involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students).

b. How the student will be involved and progress in the general education curriculum.

c. For the preschool child, as appropriate, how the disability affects his/her participation in appropriate activities.

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2. A statement of measurable annual goals, including both academic and functional goals and short term objectives or benchmarks related to:

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a. Meeting the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general curriculum.

For a preschool child, as appropriate, meeting the child's needs that result from his/her disability to enable the child to participate in appropriate activities.

b. Meeting each of the student's other educational needs that result from the student's disability.

3. A statement of the program modification accommodations for the student and support that will be provided to school personnel in order for the student to:

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a. Advance appropriately towards attaining the annual goals.

b. Be involved and progress in the general curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities.

(cf. 6145 - Extracurricular and Cocurricular Activities)

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c. Be educated and participate with other students with and without disabilities in the activities in this item.

(cf. 3541.2 - Transportation of Exceptional Children)

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4. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in item #3 above.



INDIVIDUALIZED EDUCATION PROGRAM (CONTINUED)

Note: Pursuant to 20 USC 1412(a), students with disabilities must be included in state and districtwide assessments, with appropriate accommodations and alternate assessments where necessary and as indicated in a student's IEP. Alaska regulations requires districts to administer a standardized norm referenced test for students in grades 4, 8, and 11. However, if the IEP team determines that a student with disabilities should be exempted from these exams, the IEP must contain a statement of any individual appropriate accommodations and what alternative assessment will be provided. Alternative assessment requirements for students with disabilities in Alaska are found at 4 AAC 06.775.

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5. A statement of any individual modifications in the administration of state or districtwide assessments of student achievement that are needed in order for the student to participate in such assessment.

a. If the IEP team determines that the student will take an alternate districtwide assessment of student achievement (or part of such an assessment), a statement of:

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(1) why the student cannot participate in the regular assessment, and

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(2) identify the particular alternate assessment selected and why it is appropriate for the student.

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6. The projected date for the beginning of the services and modifications described in item #3 above and the anticipated frequency, location and duration of those services and modifications.

7. A statement of secondary transition service needs, as follows:

a. Beginning at age 16, and annually thereafter, a statement of appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills.

b. The transition services (including courses of study) needed to assist the student in reaching those goals.

c. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to IDEA that will transfer to the student upon reaching age 18.

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8. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved.

a. How the student's progress toward the annual goals described in item #2 above will be measured.

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## INDIVIDUALIZED EDUCATION PROGRAM (CONTINUED)

b. When the student's parents/guardians will be regularly informed (by such means as periodic report cards), at least as often as parent/guardians of students without disabilities, of:

- (1) Their child's progress towards the annual goals described in item #2 above.
- (2) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

10. A statement of special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student and a statement of the program modifications or supports for school personnel that will be provided for the student.

(cf. [6146.5](#) – *Differential Graduation and Competency Standards for Individuals with Exceptional Needs*)

Where appropriate, the IEP shall also include:

1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation.
2. Linguistically appropriate goals, objectives, programs and services for students whose primary language is not English.
3. Extended school year services when needed, as determined by the IEP team.
4. Provision for transition into the regular education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a regular education program in a public school for any part of the school day.

The IEP shall include descriptions of activities intended to:

- a. Integrate the student into the regular education program, including indications of the nature of each activity and the time spent on the activity each day or week.
- b. Support the transition of the student from the special education program into the regular education program.

(cf. [6178](#) – *Vocational Education*)

(cf. [6181](#) – *Charter Schools*)

5. Specialized services, materials and equipment for students with low incidence disabilities.

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**Deleted:** Note: Pursuant to 34 CFR 300.347, as amended, the student's IEP must also include the following statement at least one year before the student reaches age 18. .

INDIVIDUALIZED EDUCATION PROGRAM (CONTINUED)

DEVELOPMENT, REVIEW AND REVISION OF THE IEP

Note: Pursuant to 20 USC 1414(d) and 34 CFR 300.324, the IEP team should consider the following factors when developing the IEP.

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In developing or revising the IEP, the IEP team shall consider the following: (20 USC 1414(d); 34 CFR 300.324)

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1. The strengths of the student.

2. The concerns of the parents/guardians for enhancing the education of their child.

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3. The results of the initial evaluation or most recent evaluation of the student.

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4. The academic, developmental, and functional needs of the student.

5. As appropriate, the results of the student's performance on any general state or districtwide assessment programs.

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6. In the case of a student whose behavior impedes his/her learning or that of others, if appropriate, positive behavioral interventions, strategies and supports to address that behavior.

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7. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP.

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8. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student.

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Note: 34 CFR 300.346 require the IEP team to consider the following factors to meet the needs of a deaf or hard-of-hearing student.

9. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

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10. Whether the student requires assistive technology devices and services.

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If, in considering the special factors in items 1-10 above, the IEP team determines that a student needs a particular device or service in order to receive a free and appropriate public education (FAPE), the IEP team must include a statement to that effect in the student's IEP. (34 CFR 300.324)

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INDIVIDUALIZED EDUCATION PROGRAM (CONTINUED)

The IEP may be revised, as appropriate, to address: (20 USC 1414(d)).

1. Any lack of expected progress toward the annual goals and in the general educational curriculum, if appropriate.
2. The results of any reevaluation conducted.
3. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 20 USC 1414(c)(1)(B).
4. The student's anticipated needs.
5. Other matters.

Note: Pursuant to 34 CFR 300.324, the regular education teacher as a member of the IEP team must participate in the development, review and revision of the IEP.

As a member of the IEP team, the regular education teacher shall, to the extent appropriate, participate in the development, review and revision of the student's IEP.; (34 CFR 300.324)

PARENT/GUARDIAN NOTICE

The Superintendent or designee shall send parent/guardians notice of the IEP team meetings early enough to ensure that they will have an opportunity to attend. This notice shall: (34 CFR 300.322)

1. Indicate the purpose, time and location of the meeting.
2. Indicate who has been invited to attend and their role.
3. Inform the parents/guardians of the provisions of 34 CFR 300.321(a)(6) and (c), relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student.
4. For students age 16, or younger when appropriate:
  - a. Indicate that a purpose of the meeting will be the development of a statement of the transition service needs of the student.
  - b. Indicate that the district will invite the student to the IEP meeting.
  - c. Identify any other agency that will be invited to send a representative, assuming the parent or eligible student consents.

Added 9/99  
Revised 1/04  
Revised 2/06  
Revised 2/08

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. 2. . Supplementary aids and services, program modifications or supports for school personnel that will be provided for the student, consistent with 34 CFR 300.347(a)(3). .

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According to the Analysis of Comments to the regulations, FR 12585 (34 CFR 300.a1), individuals with knowledge of the child could include neighbors, friends or advocates who, in the judgment of the parents, are able to advise or assist them at the meeting. It's important to note that, pursuant to 20 USC 1415(i), attorneys' fees may not be awarded for an IEP team meeting unless the meeting is convened as a result of an administrative proceeding or judicial action or, at the discretion of the State, for a mediation.

Instruction AR 6159(b)

INDIVIDUALIZED EDUCATION PROGRAM (CONTINUED)

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, assessment 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 Governing 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  
1232g Family Educational Rights and Privacy Act  
1400-1491 Individuals with Disabilities Act

UNITED STATES CODE, TITLE 29  
794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34  
99.10-99.22 Inspection, review and procedures for amending education records  
104.36 Procedural safeguards  
300.500-300.517 Due process procedures for parents and children

ALASKA STATUTES  
14.30.180-350 – Education for Exceptional Children

ALASKA ADMINISTRATIVE CODE  
4 AAC 52.010-990 – Education for Exceptional Children

*Added 9/99*

*Revised 2/08*

SOUTHWEST REGION SCHOOL DISTRICT  
Adopted: November 2, 2006

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Due Process Hearing Procedures

A parent/guardian or the district may initiate due process hearing procedures whenever:

1. There is a proposal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student
2. There is a refusal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student
3. The parent/guardian refuses to consent to an assessment of his/her child or to the provision of services.
4. There is a refusal to honor the request of a parent to amend a record under 4ACC 52.520.

Note: Pursuant to 34 CFR 300.508, as amended, the district is mandated to adopt procedures requiring the parent/guardian or attorney to provide notice to the district as specified below. In addition, 34 CFR 300.509 requires that the state develop a model form for use by parents/guardians.

Hearing Request

A party shall make a request for a due process hearing not later than 12 months after the date the parent or district knew or should have known of the alleged violation:

1. With respect to any matter relating to the identification, evaluation, or educational placement of the student.
2. The provision of a free appropriate public education to the student.

Upon requesting a due process hearing, the parent/guardian or attorney representing the child, or the district, shall provide notice to the other, which shall remain confidential, specifying: (20 USC 1415(b); 34 CFR 300.508)

1. The child's name.
2. The child's address.
3. The name of the school the child attends.
4. A description of the issue, including the related facts.
5. A proposed resolution to the problem to the extent known and available to the party at the time.

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PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (CONTINUED)

A parent or district may not have a due process hearing until the party, or attorney representing the party, files a signed request that includes the above information.

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Note: Parties are to send signed, written requests to:
Special Education Dispute Resolution
Alaska Department of Education & Early Development
Teaching and Learning Support, Special Education
801 West 10th Street, Suite 200
P.O. Box 110500
Juneau, Alaska 99811-0500
Or fax to: (907) 465-2806
Attention: Special Education Dispute Resolution

Response to Request

The non-complaining party shall within 10 days of receiving the notice of due process hearing request send the other party a response that specifically addresses the issues raised in the due process hearing request. The response shall include:

- 1. an explanation of why the District proposed or refused to take action;
2. a description of other offers that the IEP Team considered and the reasons why those options were rejected;
3. a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; and
4. a description of the other factors that are relevant to the agency's proposed or refused action.

A party requesting a due process hearing shall not be allowed to raise issues at the hearing that were not raised in the notice of request for the due process hearing, unless the other party agrees to allow any new issues.

Resolution Session

Before any due process hearing requested by parents is held, the district shall convene a meeting with the parents and relevant members of the IEP team who have specific knowledge of the facts identified in the complaint. The resolution meeting must:

- 1. occur within 15 days of receiving notice of the parents' hearing request;
2. include a district representative with decision-making authority;
3. may not include an attorney for the district unless the parents are accompanied by an attorney at the meeting;
4. discuss the request and the facts that form the basis of the request; and

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PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (CONTINUED)

5. provide the district with an opportunity to resolve the complaint

The parents and district can agree in writing to waive a resolution meeting, or agree to use the mediation process instead.

If the district has not resolved the complaint to the satisfaction of the parents within 30 days of receiving the complaint, the due process hearing may occur and all applicable timelines for the hearing shall commence.

Setting the Hearing

Parties requesting a due process hearing shall file their request with the Superintendent or the Special Education Director. The district shall then contact the Department and request the appointment of a hearing officer. Both the district and the parent have the right to reject one hearing officer, and no reason for rejection is required.

At least five business days prior to a due process hearing, each party shall disclose to all other parties all evidence to be offered at the hearing other than for rebuttal purposes, including all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. (20 USC 1415(f))

Note: Pursuant to 20 USC 1415(f)(2)(B), a hearing officer may bar any party who fails to comply with the disclosure requirements from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

Due Process Rights

Due process rights include:

1. The right to a mediation conference.
2. The right to request a mediation conference at any point during the hearing process.
3. The right to examine student records and receive copies, including evaluation tests and procedures.
4. The right to be informed on the results of evaluation.  
*(cf. 5125 – Student Records)*
5. The right to a fair and impartial administrative hearing before a qualified hearing officer appointed by the Department, and the right to exercise a single objection to the proposed hearing officer.
6. The right to have the student who is the subject of the hearing present at the hearing.
7. The right to open the hearing to the public.
8. The right to initiate referral of a child for special education.

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PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (CONTINUED)

- 9. The right to obtain an independent educational evaluation.
- 10. The right to participate in the development of the individualized education program (IEP) and be informed of the availability under state and federal law of free and appropriate public education (FAPE) and of all available alternative programs, both public and nonpublic.  
*(cf. 6159 – Individualized Education Program)*
- 11. The right to obtain written parental consent before any assessment of the student is conducted unless the district prevails in a due process hearing relating to such assessment.
- 12. The right to obtain written parental consent before the student is placed in a special education program.

The parties shall also have the following hearing rights: (4 AAC 52.550; 34 CFR 300.512)

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- 1. The right to call witnesses, including adverse witnesses, and to cross-examine witnesses.
- 2. The right to compel the attendance of witnesses.
- 3. The right of parents/guardians to determine whether the due process hearing will be open or closed to the public.
- 4. The right to object to the introduction of any evidence at the hearing that has not been disclosed to the other party at least five days before the hearing.
- 5. The right to be accompanied and advised by counsel and/or other individuals with special knowledge or training with respect to the problems of children with disabilities.

6. The right to obtain a written or, at the option of the parent/guardian, electronic verbatim recording of the hearing.

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7. The right to obtain written, or, at the option of the parents, electronic findings of facts and decisions.

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PROCEDURAL SAFEGUARDS AND COMPLAINTS  
FOR SPECIAL EDUCATION (CONTINUED)

Prior Written Notice

Note: Federal law divides information sent to parents/guardians into two notices: the prior written notice and the procedural safeguards notice. Pursuant to 20 USC 1415(b), districts are mandated to adopt procedures relative to the written prior notice as specified in 20 USC 1415(c) and listed below. This is commonly referred to as "prior written notice" or "PWN."

The Superintendent or designee shall send parents/guardians a prior written notice whenever there is a proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free and appropriate public education. The notice shall include: (20 USC 1415(c); 34 CFR 300.503)

1. A description of the action proposed or refused by the district.
2. An explanation as to why the district proposes or refuses to take the action.
3. A description of any other options that the district considered and why those options were rejected.
4. A description of each evaluation procedure, test, record or report the district used as a basis for the proposed or refused action.
5. A description of any other factors that are relevant to the district's proposal or refusal.
6. A statement that the parents/guardians of the student have protection under procedural safeguards and the means by which a copy of the description of procedural safeguards can be obtained.
7. Sources for parents/guardians to obtain assistance in understanding these provisions.

Note: 20 USC 1415(b) mandates that districts adopt procedures to ensure that the parent/guardian notice is in the native language of the parent/guardian, unless it is clearly not feasible to do so. Pursuant to 34 CFR 300.503 and 300.504, the notice must be in an "understandable language" as specified below.

8. Students with disabilities and their parents/guardians shall be provided written notice of their rights in language easily understood by the general public and in the primary language of the parent/guardian or other mode of communication used by the parent/guardian, unless to do so is clearly not feasible.

PROCEDURAL SAFEGUARDS AND COMPLAINTS  
FOR SPECIAL EDUCATION (CONTINUED)

Procedural Safeguard Notice

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities upon:

1. Initial referral for evaluation.
2. Each notification of an IEP meeting.
3. Reevaluation of the student.
4. Filing of a complaint or hearing request.

This notice shall include information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the time lines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings.

In addition, this notice shall include a full explanation of the procedural safeguards relating to: independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints, the student's placement while due process proceedings are pending; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parent/guardians of students in private schools at public expense; mediation; due process hearing; state-level appeals; civil action; and attorney's fees. (20 USC 1415(d); 34 CFR 300.504).

NOTICE REGARDING LEGAL AND OTHER SERVICES

The Procedural Safeguards notice must inform the parent/guardian of any free or low-cost legal or other relevant services available in the area if the parent/guardian:

1. requests the information; or
2. is a party to a due process hearing or administrative complaint.

(cf. [5144.2\(AR\)](#) – Suspension and Expulsion (Individuals with Exceptional Needs))

(cf. [6164.4](#) – ~~Child Find~~)

Revised 2/06  
Revised 2/08

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## STUDENT MENTAL HEALTH – MEDICATION AND SERVICES

Note: The following policy implements SB 48 (2006), a bill "relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children." This bill enacted new statutes at AS 14.30.171-14.30.179. The requirements of these statutes are incorporated in the policy below, as well as in a separate policy, BP/AR 5141, Health Care and Emergencies.

The District shall work closely with parents in serving students with behavioral or mental health needs. The Superintendent shall oversee the delivery of appropriate educational services in line with this policy and applicable laws.

## Psychotropic Medication

Unless authorized, school personnel may not recommend to a parent or guardian that a student take, or continue to take, psychotropic medication designed to affect emotions, mood, or behavior. Employees possessing a special services type C certificate may make recommendations regarding whether such medication may assist the child in school, but only if such recommendations are consistent with the individual's training and job duties.

A determination as to whether or not psychotropic medication is beneficial for a student should be made by parents and the student's medical provider. With limited exceptions, absent parental consent, students may not be required to take psychotropic medication as a condition of attending school. However, such medication may be required if, in the opinion of the student's medical provider, the medication is necessary for the student's mental health or the student poses a risk of harm to the student or others without the medication.

Students and their parents/guardians will be afforded due process rights to which they are entitled by law, board policy or administrative regulations.

*(cf. 5030 - School Discipline and Safety)*  
*(cf. 5112.2 - Exclusions from Attendance)*  
*(cf. 5144.1 - Suspension/Expulsion)*

## Psychological or Psychiatric Evaluation and Treatment

Unless authorized, school personnel may not recommend to parents that their student receive psychiatric or psychological evaluation or treatment. School personnel who possess a special services type C certificate, or other behavioral or mental health professionals working in the schools, may make recommendations regarding evaluation and treatment, so long as such recommendations are consistent with the individual's training and job duties.

*(cf. 6164.2 - Guidance and Counseling Services)*

Nothing in this policy is intended to prevent referrals and evaluations of students for special education and related services.

*(cf. 6164.4 - ~~Child Find~~)*  
*(cf. 6172 - Special Education)*

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## STUDENT MENTAL HEALTH – MEDICATION AND SERVICES (CONTINUED)

Note: Despite the limitations on psychological and psychiatric evaluations and treatment set forth above, districts may continue to require evaluation and/or treatment as a condition of readmission for students who have been suspended or expelled. AS 14.30.172(2).

The limitations on evaluation and treatment are not applicable to reasonable readmission criteria for students who have been suspended or expelled. In the interest of safety and security, the district may impose requirements for evaluation and/or treatment as a condition of readmission.

*(cf. 5144 – Discipline)*

*(cf. 5144.1 – Suspension and Expulsion)*

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

### Classroom Observations

School personnel may consult with parents and share classroom and school-based observations regarding a student's behavior and academic and functional performance. Such consultations can include discussion regarding referral for special education evaluation. In consulting with parents, school personnel must be cautious not to engage in prohibited discussions as set forth above.

*(cf. 5141 Health Care and Emergencies)*

### Compliance with Policy and Law

Note: Included within SB 48, at AS 14.30.177, is a requirement that "each school board shall adopt a policy that provides that an employee violating AS 14.30.171-14.30.176 may be subject to disciplinary action." In all cases of alleged employee misconduct, a determination of appropriate discipline should be made only after completion of a full and fair investigation.

This policy is based on required school laws of the State of Alaska. Violations of this policy may subject school personnel to disciplinary action.

*(cf. 4118 – Suspension/Disciplinary Action)*

*(cf. 4218 – Dismissal/Suspension/Disciplinary Action)*

STUDENT MENTAL HEALTH – MEDICATION AND SERVICES  
(CONTINUED)

*Legal Reference:*

ALASKA STATUTES

14.30.045 Grounds for suspension or denial of admission

14.30.047 Admission or readmission when cause no longer exists

14.33.110-.140 Required school disciplinary and safety program

14.30.171 Prohibited actions

14.30.172 Communications not prohibited

14.30.174 Compliance with federal education law

14.30.176 List of community resources

14.30.177 Violations

UNITED STATES CODE

20 U.S.C. §§ 1400-1487, Individuals with Disabilities Education Act

20 U.S.C. §§7101-7143 Safe and Drug-Free Schools and Communities Act of 1994

*Added 01/07*

*Revised 2/08*

SOUTHWEST REGION SCHOOL DISTRICT

Reviewed: March 27, 2007

Adopted: April 26, 2007

CHILD FIND

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Note: AS 14.30.274 and 4 AAC 52.100 require districts to establish written procedures to ensure children with disabilities are identified for assessment purposes. 4 AAC 52.110 requires written procedures for receiving referrals. The Individuals with Disabilities Education Act (IDEA), 20 USC 1412(a)(3) and 34 CFR 300.111 and 300.131, requires that this "child find" identification system include identification of students with disabilities attending private schools, including religious-school children residing within the district, and highly mobile children with disabilities, such as migrant and homeless children. In order to carry out this requirement, a practical method must be developed to determine which children with disabilities are currently receiving needed special education and related services. Services for a private school student, in accordance with an individualized education program (IEP), must be provided at no cost to the parent/guardian, unless the private school makes a free and appropriate public education available to the student and the parent/guardian chooses to enroll the student in that private school. If the public school is providing services to the student, these services may be provided on the premises of the private school, including parochial schools, to the extent consistent with other provisions of law.

The School Board recognizes the responsibility of the district to identify children residing in the district who need special education and related services. As required by law, the Superintendent or designee shall establish written procedures for locating children with exceptional needs in order to provide a free appropriate public education to all eligible children. The Board encourages all members of the community to assist the district in its effort to identify the need for special education and related services within the community.

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The Superintendent or designee shall establish and implement an ongoing system to identify and locate children, age 3 through 21 years of age, suspected of having a disability who reside within the district, regardless of the severity of the disability. The components and procedures of this system will be detailed in a written Child Find Plan. The Plan shall identify a Child Find Coordinator, address coordination of child find activities, provide for annual public notice, referrals, and screening.

Child Find Coordinator

The Superintendent shall appoint a Child Find Coordinator who coordinates the development, revision, implementation, and documentation of the District's child find system.

Annual Public Notice

The Superintendent or designee shall annually inform the community about the right to, and availability of, educational services for children with disabilities. This notice shall inform parents/guardians in writing of the types of qualifying disabilities, the educational needs of children with disabilities, the rights of children to a free appropriate public education, the services available to these children, confidentiality protections, and the district's procedures for initiating a referral for assessment to identify individuals who need special education services.



CHILD FIND (CONTINUED)

Note: The following contains optional language for those districts with a statewide correspondence program.

The notice must be calculated to reach all persons within the District, [including all persons responsible for children who are enrolled in the District's statewide correspondence program.]

Referral

The Superintendent or designee shall implement a procedure to receive referrals of children suspected to having a disability. Referrals will be acted on without undue delay.

The school district shall obtain the consent of a child's parent before conducting an initial assessment, and before placing the student in a special education program in the district. If that consent is not given, and the district believes it should proceed with the assessment and placement, it shall appoint a hearing officer in accordance with state law to determine whether the district should initiate such evaluation or placement. If the hearing officer concludes that the district's plans for evaluation and placement of the child are in accord with law and are in the child's best interest, and the parent continues to disagree, the parent may file a written request for an appeal to the Department of Education.

(cf. [1400](#) – *Relations Between Other Governmental Agencies and the Schools*)

(cf. [6172](#) – *Special Education*)

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**Deleted:** a means whereby parents/guardians, teachers, appropriate professionals and others may request screening for any child they believe to have a disability that significantly interferes with his/her learning. The Superintendent or designee shall identify screening processes to determine when an individual's academic, behavioral or other difficulties may be related to disabilities and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review and triennial assessment. -

The Superintendent or designee shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation and review, including the district's procedures for initiating a referral for assessment to identify individuals who need special education services. -

CHILD FIND (CONTINUED)

Legal Reference:

ALASKA STATUTES

14.30.191 – Educational evaluation and placement

14.30.274 – Identification of exceptional children

ALASKA ADMINISTRATIVE CODE

4 AAC 52.100 – Child find

4 AAC 52.120 – Evaluation

4 AAC 52.125 – Eligibility

4 AAC 52.130 – Criteria for determination of eligibility

4 AAC 52.190 – Written notice to parent

4 AAC 52.200 – Parental consent

4 AAC 52.540 – Parental right to independent evaluation

4 AAC 52.580 – Placement of child during proceedings

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UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400 et seq. Individuals with Disabilities Education Act

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UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34,

99.10-99.22 Inspection, review and procedures for amending education records

300. et seq. IDEA Regulations

Revised 9/99

Revised 2/08

SOUTHWEST REGION SCHOOL DISTRICT

Adopted: November 2, 2006

Reviewed: March 25, 2008

Adopted: \_\_\_\_\_

## SPECIAL EDUCATION

Whenever possible, the School Board desires both nonhandicapped and handicapped children to share an interactive environment which nurtures understanding, cooperation and mutual respect.

Upon the identification of an IEP student's exceptional need(s), the Superintendent or designee shall appoint an IEP team to consider those needs, determine the content of the student's individualized educational program (IEP) and make placement decisions for the least restrictive environment that is educationally appropriate.

The Superintendent or designee shall establish written procedures required by law and shall ensure district compliance with procedural safeguards, including appropriate notices to parents/guardians established by state and federal laws and regulations.

Services will be provided in accordance with a student's IEP once parental consent or administrative or judicial proceedings authorize the provision of special education and related services.

(cf. [3541.2](#) – *Transportation for Special Education Students*)

(cf. [5144.2\(AR\)](#) – *Suspension and Expulsion (Individuals with Exceptional Needs)*)

(cf. [6146.5](#) – *Differential Graduation and Competency Standards for Individuals with Exceptional Needs*)

(cf. [6164.4](#) – *Child Find*)

Legal Reference:

ALASKA STATUTES

14.17.045 – Special education instructional units

14.30.180-350 – Education for exceptional children

ALASKA ADMINISTRATIVE CODE

4 AAC 52.010-990 – Education for exceptional children

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400 et seq. Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

300.340-300.349 Individualized education programs

300.500-300.514 Due process procedures for parents and children

300.550-300.553 Least restrictive environment; alternative placements; placement; nonacademic settings

Revised 2/08

David Piazza 3/10/08 10:07 PM

**Deleted:** *Identification of Individuals with Exceptional Needs*

COMMUNICATIONS TO AND FROM THE BOARD

Staff members, parents, and community members should submit questions or communications to the School Board through the Superintendent. Board members' questions or communications to staff or about programs will be channeled through the Superintendent's office. If contacted individually, Board members will refer the person to the appropriate channel of authority, except in unusual situations. Board members will not take private action that might compromise the Board or administration.

(cf. 9200 – Board Members)

BOARD MEMBER USE OF ELECTRONIC MAIL

E-mail to, by, and between Board members, in their capacity as Board members, shall not be used to conduct Board business. It shall be limited to:

1. Disseminating information; and
2. Messages not involving deliberation, debate, or decision-making.

It may contain:

1. Agenda item suggestions;
2. Reminders regarding meeting times, dates, and places;
3. Board meeting agenda or public record information concerning agenda items; or
4. Responses to questions posed by the community, administrators, or school staff, subject to this policy's first section.

A Board member sending an e-mail concerning the district shall copy the Superintendent or designee, who shall store the message consistent with the district's practice of record retention. There is no expectation of privacy for any messages sent or received by e-mail. Board members should keep public and personal communication totally separate.

(cf. 3523 – E-Mail)

(cf. 9010 – Public Statements)

(cf. 9320 – Meetings)

(cf. 9322 – Agenda/Meeting Materials)

Legal Reference:

ALASKA STATUTES

40.25.110 - .220 – Alaska's Public Records Act

44.62.310 - .312 – Alaska's Open Meetings Act

Revised 2/08

SOUTHWEST REGION SCHOOL DISTRICT

Reviewed: March 25, 2008

Adopted:

## BOARD MEMBERS

Note: The following sample bylaw may be revised to reflect district philosophy and needs.

## Limits of Board Members Authority

The School Board has broad but clearly limited powers. The exercise of its authority is restricted to the functions required or permitted by law, and then only when it acts in a legally constituted meeting. Board members have authority only in regularly called meetings of the Board, or when delegated specific tasks by Board action.

The Board is the unit of authority. The Board member is a part of the governing body which represents and acts for the community as a whole. Apart from the normal function as part of the unit, the Board member has no individual authority. No individual member of the Board, by virtue of holding office, shall exercise any administrative responsibility with respect to the schools; nor, as an individual, command the services of any school employee. Individually, the Board member may not commit the district to any policy, act or expenditure.

David Piazza 3/10/08 10:29 PM

**Deleted:** Individual Board members shall submit requests for research or administrative studies to the entire Board for consideration

David Piazza 3/10/08 10:29 PM

**Deleted:** (cf. [6162.8](#) - Research) - (cf. [9322](#) - Agenda/Meeting Materials) -

**Optional:**

School visits by Board members are encouraged. Principals should receive a courtesy call in advance of a visit. Board members, as with all visitors, must check in with the school office. Board members who visit schools of their own volition have no more authority than any other citizen.

*(cf. 1250 - Visits to the Schools)*

Note: The following is an optional process for Board members to make information requests.

Board Member Requests for Information

Board members should make informed decisions on matters before them for a vote. The Superintendent or designee is responsible for providing the Board with relevant materials to inform the Board on those matters on which it is to act. If Board members desire further information, a request for information shall be directed to the Superintendent, pursuant to the following guidelines:

1. Requests for simple facts. Any Board member may make a request for simple facts to the Superintendent who will forward the request to the appropriate staff member. All responses to requests for simple facts will be provided to the requesting Board member, and copied to the Board President.
2. Requests for reports, research, administrative studies, detailed information, or for information relating to a problem or a potential problem in the District. Some information requests require significant administrative time and explanation to provide the requested response. Individual Board members shall submit such requests to the full Board for consideration. Upon [concurrence of the other board members/majority request of the Board], the request shall then be forwarded to the Superintendent for response.

BOARD MEMBERS (CONTINUED)

3. Complaints regarding personnel. Board members may have their own complaints regarding District personnel or may hear such complaints from the community. These concerns should be privately communicated to the Superintendent.

*(cf. 6162.8 - Research)*

*(cf. 9322 - Agenda/Meeting Materials)*

Obligations of Members

Members of the Board must endeavor to attend all meetings, study all materials presented with the agenda prior to attending the meeting, participate in the discussion of any items which come before the Board, and vote on all motions and resolutions, abstaining only for compelling reasons.

The Board member should not subordinate the education of children and youth to any partisan principle, group interest, or the member's own personal interest.

The Board member should be prepared and willing to devote a sufficient amount of time to the study of the problems of education in the district, the state, and the nation in order to interpret them to the people of the district.

*(cf. 9230 - Meetings)*

*Legal Reference:*

ALASKA STATUTES

14.14.140 - Restrictions on employment

*Revised 01/07*

*Revised 2/08*

David Piazza 3/10/08 10:35 PM

**Deleted:** No members of the Board shall be asked to perform any routine or clerical duties which may be assigned to an employee, nor shall any Board member become an employee of his/her district while serving on the Board. .

A Board member should resign from the Board before seeking to secure district employment (temporary/substitute work will be excluded from this restriction). In no event shall a final decision for hire be made prior to receiving the Board member's resignation. .

*(cf. 9210 - Qualifications) .*

*(cf. 9250 - Remuneration, Reimbursement and other Benefits) .*

*(cf. 9270 - Conflict of Interest) .*

Board members who visit schools of their own volition have no more authority than any other citizen.

Board members have authority only in regularly called meetings of the Board, or when delegated specific tasks by Board action. .

*(cf. 1250 - Visits to the Schools) .*

SOUTHWEST REGION SCHOOL DISTRICT

Adopted: November 2, 2006

Reviewed: March 25, 2008

Adopted:

## SCHOOL BOARD ELECTIONS

Note: Pursuant to A.S. 29.20.300, the assembly serves as the school board for third class boroughs. Pursuant to A.S. 14.12.110, where the public school population is less than 500 the voters may provide by referendum that the borough assembly serve as the school board.

School Board members shall be elected for a three-year term in accordance with procedures established by ordinance for municipal elections or by state regulations for regional educational attendance areas.

Note: Pursuant to A.S. 14.14.140, a Board member may not be employed by the school district.

Any person eligible to be a voter in the district is eligible for Board membership. A district employee may seek election to the Board but must resign his/her position with the District if elected.

Note: The following optional language is intended to avoid situations which may be viewed as a conflict of interest.

A Board member should resign from the Board before seeking to secure district employment. In no event shall a final decision for hire be made prior to receiving the Board member's resignation.

*(cf. 9210 – Qualifications)*

*(cf. 9250 - Remuneration, Reimbursement and other Benefits)*

*(cf. 9270 - Conflict of Interest)*

Note: The following options should be revised or deleted as appropriate in light of applicable municipal ordinances or state regulations. AS 29.26.060 requires runoff elections for school boards unless otherwise provided by municipal ordinance. AS 14.08.071 authorizes regional school boards, by resolution, to request of the Lieutenant Governor that runoff elections not be held.

Whenever it is impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where lots shall be cast to determine the winner.

**OPTION 2: Whenever it is impossible to determine which of two or more candidates has been elected to the Board, a runoff election shall be held in accordance with law.**

Note: If subject to the provisions of AS 39.50.020, elected municipal officers, including school board members, are required to file financial disclosure statements upon filing for office and annually after election.

*(cf. 9270 – Conflict of Interest)*

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**Deleted:** *(cf. 9110 – Board Membership)* -

*(cf. 9210 – Qualifications)* -

SCHOOL BOARD ELECTIONS (CONTINUED)

*Legal Reference:*

ALASKA STATUTES

14.08.041 – Regional school boards

14.08.051 – School board sections

14.08.061 – Term of office

14.08.071 – Elections

14.08.081 – Recall

14.12.050 – School board terms

14.12.080 – Qualification of members

14.12.110 – Single body as assembly and school board

14.14.140 – Restrictions on employment

29.20.300 – School boards

29.26.060 – Runoff elections

39.50.020 – Report of financial and business interests

*Revised 9/99*

*Revised 01/07*

*Revised 2/08*

SOUTHWEST REGION SCHOOL DISTRICT

Adopted: November 2, 2006

Reviewed: March 25, 2008

Adopted: