

## 4 AAC 06.200 - 06.250 Safe Schools

### 4 AAC 06.200

(a) On or before July 15 of each year, the department will determine the safety status of the schools in the state. The department will designate a school as safe, at-risk, or persistently dangerous.

(b) For each school in the state, the department will apply the following formula, to obtain a percentage figure representing that school's safety status:

(c) The school size factor to be used in the formula in (b) of this section is as follows:

(1) for a school size of 10 - 100 students, the school size factor is 0.7;

(2) for a school size of 101 - 425 students, the school size factor is 0.8;

(3) for a school size of 426 - 1,000 students, the school size factor is 0.9;

(4) for a school size of 1,001 students or more, the school size factor is 1.0.

(d) In applying the formula in (b) of this section, and in determining the school size factor in (c) of this section, the

(1) number of students at a school is the number of 1.0 full-time equivalent students determined in the student count under [AS 14.17.600](#) and [4 AAC 09](#); and

(2) department will consider the expulsion of a student as if the action were a suspension.

(e) The department will make a designation as follows for a school that has never met the criteria for being designated a persistently dangerous school under (f) of this section, or that has been designated a safe school for five consecutive years:

(1) if during the past two years the school has had a safety status of less than three percent in each year, the school will be designated a safe school;

(2) if during the past two years the school has had one year with a safety status of three percent or greater, the school will be designated an at-risk school.

(f) The department will make a designation as follows for a school whose designation is not made under (e) of this section:

(1) if during the past three years the school has had a safety status of less than three percent in each year, the school will be designated a safe school;

(2) if during the past three years the school has had no more than one year with a safety status of three percent or greater, the school will be designated an at-risk school;

(3) if during the past three years the school has had two or more years with a safety status of three percent or greater, the school will be designated a persistently dangerous school.

(g) Notwithstanding the designation of a school under (f) of this section, the department will continue to designate a school as persistently dangerous if the

(1) school has not substantially complied with the plan submitted under [4 AAC 06.210](#); or

(2) department has substantial evidence that the school is not a safe environment.

(h) The department will calculate a school's safety status beginning from school year 2000-2001.

(i) The department may recalculate a school's safety status using estimated data if, after reviewing the data reported by a district, and the district's policies regarding discipline for infractions involving violence, the department determines that a district or a school within a district has

(1) failed to fully report or incorrectly reported its data on suspensions for infractions involving violence against a person;

(2) a disciplinary policy for infractions involving violence against a person that is in violation of state law or that is significantly more lenient than the policies of the majority of districts in the state; or

(3) failed to adhere to its policy for discipline of infractions involving violence against a person.

(j) The department will include in the formula in (b) of this section the duration of a suspension or expulsion for the school year in which the infraction occurred, regardless of whether the full time for the suspension or expulsion is served in that school year.

(k) Within 30 days after the department designates a school as at-risk or persistently dangerous, the district in which the school is located may request that the commissioner review the designation of the school. The commissioner or the commissioner's designee will review the designation and allow a district to present written evidence regarding the designation. A decision by the commissioner or the commissioner's designee on the safety status of a school is a final decision.

History: Eff. 11/23/2003, Register 168

#### **4 AAC 06.210. District response**

(a) A district that contains a school that has been designated at-risk shall, within 30 days after the designation, prepare a report that includes

(1) an explanation of the nature and cause of the infractions involving violence against a person at the school; and

(2) a plan under which the district, school principal, and interested community members will take steps to make the school a safe environment.

(b) A district that contains a school that has been designated persistently dangerous shall

(1) within 10 days after the department designates the school, provide all parents of students who attend the school notice that the

(A) school has been designated as persistently dangerous; and

(B) parent may, within 30 days after the notice is sent, request that the district transfer the student to the parent's choice of one of two or more safe schools within the district;

(2) prepare and provide to the department, within 30 days after the designation, an intervention plan that

(A) includes a plan for

(i) support and assistance of law enforcement and mental health professionals;

(ii) teacher in-services; and

(iii) other services and resources required to make the school safe; and

(B) explains why the plan prepared under (a)(2) of this section was inadequate; and

(3) within 30 days after receiving a timely request from a parent, provide for a transfer of a student as requested.

(c) 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 comply with (b) of this section.

History: Eff. 11/23/2003, Register 168

#### **4 AAC 06.220. Department response**

(a) The department may appoint a task force to support and advise a district when a school in the district has been designated an at-risk school if, after review of the district's plan submitted under [4 AAC 06.210\(a\)\(2\)](#), the department determines that a task force will assist the district.

(b) After a school within a district has been designated a persistently dangerous school, the department will

(1) appoint a task force to support and advise the district;

(2) review the plan submitted under [4 AAC 06.210\(b\)\(2\)](#) by the district, and approve or disapprove that plan;

(3) work with the district to identify funding or grant opportunities to improve the safety status of the school; and

(4) take any other action necessary to comply with federal law consistent with [AS 14](#).

History: Eff. 11/23/2003, Register 168

#### **4 AAC 06.230. Victim of a violent criminal offense**

(a) Within 10 days after an incident in which a student is a victim of a violent criminal offense on the grounds of the school attended by the student, a district shall notify the parents of the student that the parents may, within 30 days after the notice is sent, elect to have the student transferred to the parent's choice of one of two or more safe schools within the district. If a parent timely requests a transfer under this section, the district shall provide the transfer within 30 days after receiving the request.

(b) Within 10 days after receiving notice that an incident of violence on school grounds may have occurred, a district shall determine whether substantial evidence indicates that a student was a victim of a violent criminal offense. A district shall consider a student eligible for a transfer under this section 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 appeal to the commissioner within 30 days after receipt of the refusal. The commissioner or the commissioner's designee may use the existing record or may hear additional evidence to determine whether the student is eligible for a transfer under (a) of this section. Nothing in this section gives a determination by the district or the commissioner under this section preclusive effect in any other legal proceeding. A decision by the commissioner or the commissioner's designee is a final decision for purposes of judicial review.

(c) A district is not required to provide the notice or transfer option required under (a) of this section to a student who attends a youth detention center, but shall notify the parents of the incident.

(d) 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 comply with (a) of this section.

(e) In this section, "violent criminal offense" means an incident, regardless of whether it was the subject of a criminal charge, that would establish the elements of an offense under

(1) [AS 11.41](#) (Offenses Against the Person);

(2) [AS 11.61.160](#) (Recruiting a Gang Member in the First Degree); or

(3) [AS 11.61.195](#) (Misconduct Involving Weapons in the First Degree).

History: Eff. 11/23/2003, Register 168

#### **4 AAC 06.240. Parent's options**

A parent who requests a transfer under [4 AAC 06.210](#) or [4 AAC 06.230](#) may also request that the student remain in the receiving school until the student completes the highest grade level offered by that school. The district shall grant the request.

History: Eff. 11/23/2003, Register 168

#### **4 AAC 06.250. Reporting**

(a) A district shall provide to the department a report on or before June 30 of each year that describes for each school in the district during the school year the number of

(1) infractions involving violence against a person at the school;

(2) infractions involving a weapon at the school;

(3) days students were suspended for infractions involving violence against a person or infractions involving a weapon at each school;

(4) expulsions for infractions involving violence against a person or infractions involving a weapon at a school;

(5) transfers requested and provided under [4 AAC 06.210](#) or [4 AAC 06.240](#);

(6) victims of violent criminal offenses as determined under [4 AAC 06.230](#); and

(7) trancies at schools in the district, as determined by the district under its procedures established under [AS 14.30.030](#).

(b) A district shall file the report required in (a) of this section electronically in a format required by the department, unless the department determines in writing that the district does not have the capability of filing the report electronically in that format.