Board Policy Review Committee

Friday, November 22, 2024 1:00 PM
District Office Conference Room, 2920 3.5 Nome-Teller Hwy, Nome, Alaska 99762

A. **Call to Order**
B. **AASB Policies for Review**
1. Instruction Sheet
2. (Removal of) AR 0520 School Accountability/School Improvement
3. BP 1250 Volunteer Assistance
4. (New) AR 1250 Volunteer Assistance
5. BP 4112.10 Employment of Retired Teachers
6. BP 5121 Grades/Evaluation of Student Achievement
7. (Removal of) BP 5125.3 Withholding Grades, Diploma or Transcripts
8. BP 5131.1 Bus Conduct
9. BP 5131.5 Vandalism, Theft and Graffiti
10. BP 5131.6 Alcohol and Other Drugs
11. BP 5141.3 Health Examinations
12. BP 5141.31 Immunizations
13. BP 5141.51 At-Risk Youths
14. BP 6161.2 Damaged or Lost Instructional Materials (and Equipment)
15. (Removal of) E 6171 Title I Programs - Notice to Parents Required by ESSA

C. **Policies for Review**
1. BP 5141.42 Professional Boundaries of Staff with Students
2. (New) AR 5141.42 Professional Boundaries of Staff with Students
3. (New) E 5141.42 Professional Boundaries Checklist
4. AR 4112.5/4212.5/4312.5 Security Check

D. **Adjournment**

AASB POLICY REFERENCE MANUAL UPDATE SERVICE
FALL 2024
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 as indicated below.

For ease of School Boards, AASB has identified those portions of the Update that require formal Board action in order to implement the policy changes. This is indicated by a "Yes" or "No." A "No" is used if changes have been made only to an AR or an Exhibit, or if policy changes are limited to explanatory notes, legal reference or cross-reference updates, or minor grammatical or stylistic changes that have not changed the policy meaning.

REPLACE/ADD	FORMAL ADOPTION REQUIRED	DESCRIPTION
ARTICLE 1, Series 1000 – Community Relations		
Remove AR 0520	No	**Remove Administrative Regulation** This administrative regulation implemented the old star rating system for school accountability, which has been revised and replaced in state law and regulation. The current school accountability regulations, 4 AAC 06.800 - .899, are reflected in model Board Policy 0520, which was updated in 2021 to reflect the changes.
BP 1250	Yes	This update modifies BP 1250 to clarify that background checks should be completed for all volunteers, regardless of the number of hours worked. It also clarifies that school visitors do not need to obtain a background check.
AR 1250	No	**New Administrative Regulation** This is new model AR addressees the expectations, roles and responsibilities principals, the district, and volunteers have when utilizing volunteer assistance. This regulation is not exhaustive, and all the parties may have more or fewer roles.
ARTICLE 4, Series 4000 – Personnel		
BP 4112.10	No	This policy incorporates House Bill 230, which passed the legislature and became law this summer. It specifies that a retired long-term substitute may teach for up to, but not more than, 165 days in one school year.
ARTICLE 5, Series 5000 – Students		
BP 5121	Yes	This policy update reflects AASB's determination that automatically assigning failing grades to students for truancy is not in best practice. This is because: • If a student has earned a grade by demonstrating mastery of the content, they should be able to keep the grade they have earned. • Some districts maintain policies where multiple tardies result in

REPLACE/ADD	FORMAL ADOPTION REQUIRED	DESCRIPTION
		unexcused absences and the result of this could mean that multiple tardies result in a failing grade. • The final paragraph of the policy, which has not been removed, provides accountability for student learning and grades. The model policy has been updated to remove this option. However, individual districts may revise this policy as they best see fit.
Remove BP 5125.3	Yes	**Remove Board Policy** As with BP 5121, AASB believes this policy, which permits the withholding of grades, transcripts, and diplomas if a student is indebted to a district for lost or damaged items, does not reflect best practice. AASB recommends removing and archiving this policy in its entirety for the following reasons: • Withholding grades, diplomas, or transcripts can have significant long-term consequences for students and their post-secondary employment or education opportunities, and in turn on their families and communities. • Students earn their grades and diplomas by demonstrating mastery of the content. If a student has earned their grades or diploma, they should not be withheld as a punishment or deterrence. • School districts have other means to seek reparations or recover losses from equipment or property damages, rather than withholding grades, diplomas, or transcripts. • The language suggesting that students who are unable to pay for assessed damages should provide voluntary work instead is inequitable. Voluntary work and community service can be an appropriate assignment for all students. Those students whose parents can afford to pay for damages should not be exempt from community service if the district deems this an appropriate response to property or equipment damage. The model policy has been updated to remove this policy in its entirety. However, individual districts may revise this policy as they best see fit.
BP 5131.1	Yes	This minor update revises the language of the policy to clarify expectations for students riding the bus.
BP 5131.5	Yes	This policy has been updated to reflect the removal of BP 5125.3, above. If an individual district does not remove BP 5125.3, this policy should not be updated.
BP 5131.6	Yes	This revision updates BP 5131.6 to be in compliance with House Bill 202, which passed the legislature and became law this summer. The bill will become effective in December of 2024, but this policy revision may be made now. The bill and policy update require that districts have opioid overdose drugs available at each main school building and at school-sponsored events. It is also requires that a district have at least one person trained to administer the drugs at each main school site.
BP 5141.3	Yes	This minor update revises language regarding health examinations for students,

REPLACE/ADD	FORMAL ADOPTION REQUIRED	DESCRIPTION
		and clarifies that districts may require health examinations for student participation in extracurricular activities.
BP 5141.31	Yes	This update clarifies that under state law, personal or philosophical opposition to vaccinations is not sufficient to receive an exemption from the state's mandatory vaccination requirements for students. The only exemptions permitted are for medical or religious reasons. The update also provides that students who are considered homeless under the McKinney-Vento Homeless Assistance Act may be provisionally admitted to school even without a vaccination record.
BP 5141.51	Yes	This minor update updates the model policy on At-Risk Youths to utilize best practice language and clarify districts should be an active participant in identifying students in need of aid.
ARTICLE 6, Series 6000 – Instruction		
BP 6161.2	Yes	This update adds language to address damaged or lost equipment along with damaged or lost instructional materials. It has also been updated to reflect the removal of BP 5125.3, above. If an individual district does not remove BP 5125.3, the edit removing reference to BP 5125.3 should not be accepted.
Remove E 6171	No	**Remove Exhibit** This exhibit was a notice to parents created as part of the transition from the No Child Left Behind Act to the Every Student Succeeds Act in 2016. It is no longer applicable and may be removed.

AR 0520 SCHOOL ACCOUNTABILITY/SCHOOL IMPROVEMENT

School Improvement Plan – Development, Approval and Implementation

Note: All schools in a district designated as one-, two-, or three-stars by the Department of Education and Early Development are required to develop, issue, and implement a school improvement plan. 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/Chief School Administrator] shall designate the individual responsible to oversee development of school improvement plans. Required plans must be developed by November 1 of each school year.

A. Schools Requiring A Plan

The following schools require a school improvement plan:

1. Any school designated with a rating of one, two, or three stars;

2. Any school identified by the Department as a priority or focus school; and

3. Any school designated with a rating of four or five stars if the school:

    a. Has failed to meet its annual measurable objectives for two consecutive years for the school as a whole or any subgroup;

    b. Has experienced a decline in the school's graduation rate on the whole or for any subgroup (high schools only); or

    c. Has a participation rate of less than 95% on state standards-based assessments.

B. State Involvement

If the school is identified by the Department of Education and Early Development as a priority or focus school, the school improvement plan will be prepared in consultation with the Department and is subject to Department approval.

If the school has received a one- or two-star rating, the school improvement plan must be submitted to the Department.

C. Plan Preparation

Note: *State regulation, 4 AAC 06.845, requires as a general rule that school improvement plans be developed using the Department's computerized self-assessment and improvement program. An alternative process may be utilized by a district in limited instances if approved by the Department. Department approval is limited to: 1) schools that are implementing an effective school improvement plan through an accreditation process; 2) schools that are rated as four- or five-star and the plan is specific to a particular identifiable deficiency; or 3) the district can show by a preponderance of the evidence that the school has a planning process for development of an improvement plan that will address as effectively or more effectively than the Department's program each of the 6 domains and each specific deficiency at the school.*

The school improvement plan will be prepared utilizing a computerized self-assessment and improvement program selected by the Department. The self-assessment program will address the following six domains: 1) curriculum; 2) assessment policy and practice; 3) instruction; 4) school learning environment; 5) professional development policy and practices; and 6) leadership.

Note: *The following language implements requirements for plan participants as set forth at AS 14.03.123 (d).*

The school improvement plan is to be prepared with the maximum feasible public participation of the community, including, as appropriate, interested individuals, teachers, parents, parent organizations, students, tribal groups, local government representatives, and other community groups.

D. Plan Contents For Priority Schools

The Plan must provide for a system of comprehensive intervention using all required turnaround principles. The district will consult with and obtain the approval of the Department to address deficiencies in each of the six domains, as identified in the computerized self-assessment or in a desk or instructional audit.

Comprehensive turnaround principles to be implemented at the school must include:

1. School Calendar Adjustments. The school day, week, and year, will provide more time for student learning and teacher collaboration. This includes the following minimum requirements:

a. dedicated time block each week for teacher collaboration;

b. 90 minutes daily of core reading instruction for all students grades K-6;

c. 30 additional minutes of intervention daily for K-6 students below grade level in reading;

d. dedicated time block daily for structured reading interventions for students grades 7-12 who are below grade level in reading;

e. 60 minutes daily of core math instruction for all students grades K-6; and

f. dedicated time block daily for structured math intervention for students grades 7-12 who are below grade level in math.

2. Teacher Effectiveness. The district's policies and actions will ensure that all teachers at the school are effective teachers. This includes the following actions:

a. each teacher's effectiveness is reviewed by the district and principal, including a review of student learning data;

b. replacement or improvement of ineffective teachers;

c. requiring teachers transferring to the school to be proven effective; and

d. providing job-embedded professional development that targets the specific needs of teacher and students.

3. Instructional Program. The instructional program will be strengthened through the following methods:

a. adoption and use of research-based curricula that are aligned with state standards;

b. implementation of reading curricula that addresses the essential elements of reading;

c. implementation of reading and math support programs for students behind grade level;

d. using data to inform instruction, including

- at least three times per year, utilize a universal screening tool approved by the Department for all students, grades K-8;
- utilize a diagnostic assessment to determine the specific reading or math deficiencies for all students one or more years below grade level; and

- base instruction and interventions on the specifics needs of the student as identified by screenings or assessments.

e. establishing a school environment that improves school safety and discipline, including implementation of a school-wide behavior plan, and that addresses the social, emotional, and health needs of students;

f. providing for family engagement in the school, including cultural awareness and understanding of cultural values; and

g. providing strong leadership, including

- reviewing the performance of the principal, including a review of student learning data;
- retention of the existing principal or hire of a new principal based upon the existing principal's performance on indicators in the leadership domain; and
- providing the principal with flexibility in areas that should be tailored to the needs of the school such as scheduling, staff, or budget.

4. Additional Requirements. The improvement plan must, to the extent possible, include measures to:

a. increase local control of education;

b. increase parental choice; and

c. not require a direct increase in state or federal funding for the school or district.

E. Plan Contents for Focus Schools

The school improvement plan for a focus school will identify targeted interventions that consider each of the comprehensive turnaround principles. Interventions will be targeted for any subgroup that is performing below grade level. In addition, appropriate interventions will be targeted to any deficiencies revealed through data analysis or the results of an instructional or desk audit.

In preparing the school improvement plan, the district will consult with the Department.

F. Plan Implementation

The school shall implement the plan immediately upon district approval. Should the Department 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 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 research, in addressing the specific instructional issues that caused the school's rating of one, two, or three stars; 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.

District Improvement Plan – Development and Contents

Note: A school district must have a district improvement plan if: 1) at least 25% of its schools are designated as one or two stars; 2) at least 25% of the district's students attend a school designated as one or two stars; 3) an instructional or desk audit demonstrates significant deficiencies in the domains of: curriculum, assessment policy and practice, instruction, school learning environment, professional development policy and practices, and leadership; or 4) an instructional or desk audit shows that one or more subgroups in the district is not making progress toward the subgroup's annual measurable objectives. The following plan contents comply with the requirements set forth at *4 AAC 06.850*, District improvement plan.

A district improvement plan will be prepared by [the Superintendent/Chief Administrative Officer] and submitted to the Department in the following circumstances:

1. At least 25% of the district's schools have been designated as one- or two-star schools;

2. At least 25% of the district's students attend a one or two-star designated school;

3. An instructional or desk audit at the district, or its schools, demonstrates significant deficiencies in the following domains of successful schools: curriculum, assessment policy and practice, instruction, school learning environment, professional development policy and practices, and leadership; or

4. An instructional or desk audit shows that one or more subgroups in the district is not making progress toward the subgroup's annual measurable objectives.

The district improvement plan will be developed in the same manner as school improvement plans.

Revised 12/2016

Revised 07/2015

Revised 3/2015

Revised 11/2014

Nome Public Schools

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Community Relations
Volunteer Assistance BP 1250

~~The wealth of experience available in the community is a resource that should be used in appropriate ways to enrich the educational program and strengthen our schools' relationships with homes, businesses, public agencies and private institutions. By their presence, volunteers also can make school environments safer and more closely supervised.~~ The School Board recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community. The School Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with our students.

The Superintendent or designee may authorize the use of volunteers. The Superintendent or designee shall establish regulations to protect the safety of both students and volunteers.

Note: The following optional paragraph is offered for districts that wish to provide students the greatest possible protection, and should be revised or deleted based on the district's needs and ability to implement this policy.

All persons who wish to volunteer service with or around students must undergo a background check.

Commented [AP1]: Added by AASB

Like employees and students, volunteers shall act in accordance with district policies and regulations.

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

(cf. 5141.42 – Professional Boundaries of Staff with Students)

(cf. 4112.5 / 4212.5 / 4312.5 – Security Check)

Commented [AP2]: Added by AASB

Revised 08/2024

AASB POLICY REFERENCE MANUAL
9/92

BP 1250 VOLUNTEER ASSISTANCE

The wealth of expertise and experience available in the community is a resource that should be used in appropriate ways to enrich the educational program and strengthen our schools' relationships with homes, businesses, public agencies and private institutions. By their presence, volunteers also can make school environments safer and more closely supervised. The School Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with our students.

The Superintendent or designee may authorize the use of volunteers. The Superintendent or designee shall establish regulations to protect the safety of both students and volunteers.

Like employees and students, volunteers shall act in accordance with district policies and regulations.

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

Revised 04/2017

Adopted: June 10, 2003

Nome Public Schools

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Community Relations

VOLUNTEER ASSISTANCE AR 1250

Note: This AR addresses some of the details associated with the use of volunteers.

This regulation provides the procedures for approving members of the public to serve as volunteers, including chaperones.

Responsibilities of Principals:

1. Coordinate the use of school volunteers.
2. Confirm that the school volunteer has completed the volunteer packet.
3. Require updated volunteer packets are received on the schedule set by the District.
4. Keep and maintain a register of volunteer activity at the school.
5. Inform volunteers of school rules and routines, answer questions, and provide volunteer support as appropriate.
6. When required to ensure the safety of students and the smooth operation of the educational program, principals may decline the services of any volunteer.
7. Determine which volunteers are required to complete mandatory reporting training and inform volunteers how to receive the training.

Responsibilities of the District

1. Develop a volunteer packet for individuals to use to apply as a volunteer.
2. Facilitate the volunteer approval process.
3. Verify the identity of the volunteer with a photo id.
4. Maintain the volunteer packet materials in the volunteer's file.
5. Review the background check and make an individualized determination about the volunteer in accordance with BP 4112.5 / 4212.5 / 4312.5.
6. Keep and maintain an approved volunteer list, with the dates that the background check was completed, in order for school principals to verify the eligibility status of volunteers.
7. Notify the volunteer of their eligibility status.
8. Notify volunteers when background checks need renewal.
9. Inform volunteers that they are subject to the District's policies and regulations where applicable.

Responsibilities of Volunteers

1. Complete the volunteer packet.
2. Obtain and pay for a background check.
3. Submit to the background check every two years.
4. Self-report any convictions that occur in the intervening time between background checks.
5. Recognize that they are neither employees nor an independent contractor and serve at the discretion of the District.

Mandatory Reporting Training

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Volunteers who interact with children for more than four hours per work are required to complete mandatory reporting training. This direction will be provided by the school principal.

Note: Pursuant to AS 47.17.020(a)(9), "volunteers who interact with children in a public or private school for more than four hours a week" must report child abuse and child neglect. AS 47.17.020(a) requires school districts to provide training to such volunteers on the recognition and reporting of child abuse and neglect.

Created 08/2024

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED

Personnel

EMPLOYMENT OF RETIRED TEACHERS

BP 4112.10

Note: Effective November 8, 2018, AS 14.20.136 authorizes schools districts to hire retired teachers in cases of teacher shortages. Retired teachers hired under this statutory provision may elect to continue receiving TRS benefit payments during the period of reemployment. A contract for reemployment of a retired teacher hired under AS 14.20.136 may not be for more than 12 consecutive months. Under AS 14.20.020(g), a retired teacher may teach as a long-term substitute for not more than 165 consecutive days of a school term.

If the teacher retired under the defined benefit retirement system, the teacher must be retired for at least 60 days if 62 years of age or older, or at least six months if under 62 years of age, before reemployment. In addition, if the teacher is reemployed by the same district that employed the teacher upon retirement, the teacher must certify that there was no prearranged agreement with the school district to hire the teacher after retirement.

Prior to the hire of retired teachers under this statute, the school board must adopt a policy that permits the employment of retired teachers who are qualified to teach in those disciplines or specialties in which a shortage of teachers exists. The policy must describe the circumstances that constitute the shortage.

This optional policy may be utilized by districts desiring to hire retired teachers in cases of teacher shortages, as authorized by AS 14.20.136.

It is the policy of the School Board that teacher vacancies be filled in a timely manner by qualified personnel. The District administration is authorized to employ retired teachers in accordance with AS 14.20.136 in cases of teacher shortages, and to notify the Administrator of the Teachers' Retirement System that it is hiring retired teachers pursuant to that statutory provision.

The hiring of retired teachers is authorized in those disciplines or specialties in which a shortage of teachers exists despite active recruitment efforts. A shortage is deemed to exist for those open positions that the administration has been unable to fill with qualified candidates, despite recruitment, public advertising for at least 10 business days, interviews, and the offering of positions to qualified candidates, if any.

(cf. 4111 Recruitment and Selection)

Legal Reference

ALASKA STATUTES
14.20.136 Employment of member of teachers' retirement system
14.25.043 Reemployment of retired members
14.20.165 Restoration of tenure rights

~~*Added 8/2020*~~*Revised 9/2024*

BP 4112.10 EMPLOYMENT OF RETIRED TEACHERS

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If the teacher retired under the defined benefit retirement system, the teacher must be retired for at least 60 days if 62 years of age or older, or at least six months if under 62 years of age, before reemployment. In addition, if the teacher is reemployed by the same district that employed the teacher upon retirement, the teacher must certify that there was no prearranged agreement with the school district to hire the teacher after retirement.

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The hiring of retired teachers is authorized in those disciplines or specialties in which a shortage of teachers exists despite active recruitment efforts. A shortage is deemed to exist for those open positions that the administration has been unable to fill with qualified candidates, despite recruitment, public advertising for at least 10 business days, interviews, and the offering of positions to qualified candidates, if any.

(cf. 4111 Recruitment and Selection)

Legal Reference

ALASKA STATUTES

14.20.136 Reemployment of member of teachers' retirement system

14.25.043 Reemployment of retired members

14.20.165 Restoration of tenure rights

Adopted: March 9, 2021

Nome Public Schools

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Students

GRADES / EVALUATION OF STUDENT ACHIEVEMENT BP 5121

Note: The following sample policy may be revised as desired.

The School Board believes that students and parents/guardians have the right to receive course grades that represent an accurate evaluation of the student's achievement. Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level, not in relation to the work of other students in one particular class.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives as demonstrated through classroom participation, homework and tests. The student's behavior and effort shall be reported in separate evaluations, not in his/her academic grade.

(cf. 5113 - Absences and Excuses)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5124 - Communication with Parents/Guardians)
(cf. 5125.3 - Challenging Student Records)
(cf. 6154 - Homework/Make-up Work)

Note: The following optional paragraph requires performance or skill-based evaluations rather than letter grades for children in the early elementary grades and may be revised as desired to reflect district philosophy and needs.

In order to promote self-esteem and experiences of success, students in kindergarten through third grade shall receive narrative performance or skill-based evaluations rather than letter grades.

The Superintendent or designee shall establish and regularly evaluate a uniform grading system. Principals shall ensure that student grades conform to this system.

Unexcused Absences

Note: The following optional policy authorizes teachers to ~~assign failing grades to~~modify grades for students who have excessive unexcused absences and may be revised or deleted as desired. While the use of academic penalties for truancy is probably permissible, districts must bear in mind that academic penalties are a severe form of sanction with the potential for permanent harm. In adopting such a policy, several precautions should be followed. First, the school policy must be applied fairly and consistently among students; there should be no question about arbitrary or capricious enforcement. Second, the severity of the academic penalty should correspond to the gravity of the offense. Third, students should be warned ahead of time of all requirements and consequences pertaining to the use of academic penalties. Finally, students should be accorded due process before penalties are consummated, including an opportunity for the student to explain his or her conduct.

~~The School Board desires to emphasize the importance of school attendance. Therefore, students with excessive unexcused absences (___ absences per semester) shall receive a failing grade and shall not receive credit for the class(es).~~

If a student misses class without an excuse and does not subsequently turn in homework, take a test or fulfill another class requirement which his/her missed, the teacher may lower the student's

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED

Students

grade for nonperformance. Teachers shall inform students about the class grading system at the beginning of the semester.

Commented [AP1]: Not in our current policy

Revised ~~9/98~~ 09/2024

AASB POLICY REFERENCE MANUAL
9/92

BP 5121 GRADES/EVALUATION OF STUDENT ACHIEVEMENT

The School Board believes that students and parents/guardians have the right to receive course grades that represent an accurate evaluation of the student's achievement. Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level, not in relation to the work of other students in one particular class.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives as demonstrated through classroom participation, homework and tests. The student's behavior and effort shall be reported in separate evaluations, not in his/her academic grade.

(cf. 5113 - Absences and Excuses)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 5124 - Communication with Parents/Guardians)

(cf. 5125.3 - Challenging Student Records)

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

In order to promote self esteem and experiences of success, students in kindergarten through third grade may receive narrative performance or skill-based evaluations rather than letter grades.

The Superintendent or designee shall establish and regularly evaluate a uniform grading system.

Principals shall ensure that student grades conform to this system.

Adopted: June 10, 2003

BP 5125.3 WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS

Note: *The following policy is intended as a means to obtain reparation for damages or losses to district property.*

When school property has been willfully damaged or not returned upon demand, the Superintendent or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that is due.

This notice shall include a statement that the district may withhold grades, progress reports, diploma or transcripts from the student and parent/guardian until reparation is made, except that records will be released to another school district to which the student has transferred.

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

Upon notification that grades, diploma, and/or transcript will be withheld, the student, parents or guardian may request an opportunity to meet with the appropriate school official to receive an explanation of the evidence of property damage and to provide their own evidence disputing the cause of the property damage and/or the amount of damage. This meeting must be requested within five (5) school days of the student/parents' receipt of the notice, or the right to a meeting is waived.

If the student and parent/guardian are unable to pay for the damages or return the property, the Superintendent or designee shall provide a program of voluntary work for the student. When this voluntary work is completed, the student's grades, diploma or transcripts shall be released. Alternatively, at the Superintendent's discretion, the district may release grades, diploma, or transcript if the student and parent/guardian are unable to pay reparations due to severe financial hardship.

Note: *School districts may bring a civil action against one or both parents of a student who knowingly or intentionally destroys district property. Parents are liable for damages in an amount not to exceed $15,000 and are also responsible for the court costs incurred by the district in bringing the action. If the parents have insurance that covers the damages claimed by a school district, and the policy limit is in excess of $15,000, the district can recover up to $25,000, or the policy limits, whichever amount is lower.*

Nothing in this policy is intended to prevent inspection of a student's records by his or her parents or guardians, or by the student if 18 or older.

Legal References:

ALASKA STATUTES

09.65.255 Liability for acts of minors

14.03.115 Access to school records by parent, foster parent or guardian

14.30.710 Required records upon transfer

UNITED STATES CODE

20 USC 1232g, Family Educational Rights & Privacy Act

CODE OF FEDERAL REGULATIONS

34 C.F.R. 99.10, Parent inspection of education records

Revised 2/2010

Adopted: June 10, 2003

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Students

Bus Conduct BP 5131.1

~~Bus transportation is a privilege extended only to students who display good conduct while preparing to ride, riding or leaving the bus. Continued disorderly conduct or persistent refusal to submit to the authority of the driver shall be sufficient reason for a student to be denied transportation.~~

Positive, civil, and respectful behavior contributes to the safety and well-being of school bus passengers, drivers, and others. While preparing to ride, riding, or leaving the bus, students are required to observe school behavioral rules, bus safety regulations, and standards of conduct that provide for their safety and welfare, and the safety and welfare of others. Serious and/or repeated disciplinary problems on the bus may result in a student having their riding privileges suspended.

The Superintendent or designee shall inform parents/guardians and students of ~~regarding~~ regulations related to bus conduct, bus driver authority, and the suspension of riding privileges.

(cf. 3540 - Transportation)

Revised 09/2024~~9/92~~

AASB POLICY REFERENCE MANUAL
9/92

BP 5131.1 BUS CONDUCT

Bus transportation is a privilege extended only to students who display good conduct while preparing to ride, riding or leaving the bus. Continued disorderly conduct or persistent refusal to submit to the authority of the driver shall be sufficient reason for a student to be denied transportation.

The Superintendent or designee shall inform parents/guardians and students regarding regulations related to bus conduct, bus driver authority, and the suspension of riding privileges.

(cf. 3540 et seq. - Transportation)

Adopted: June 10, 2003

Nome Public Schools

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED

Students

VANDALISM, THEFT AND GRAFFITI BP 5131.5

The School Board considers vandalism a very serious matter. Vandalism includes the negligent, willful, or unlawful damaging or theft of any district-owned real or personal property, including the writing of graffiti.

(cf. 3515.4 - Recovery for Property Loss or Damage)

Any district student who commits an act of vandalism shall be subject to disciplinary action, reparation for damages, and may be reported to law enforcement. ~~If reparation of damages is not made, the district also may withhold the student's grades, diploma and/or transcripts.~~

~~*(cf. 5125.3 - Withholding Grades, Diploma or Transcripts)*~~
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:
ALASKA STATUTES
09.65.255 Liability for acts of minors
14.33.130 Enforcement of approved program [school disciplinary & safety program]; additional safety obligations

Revised ~~2/2010~~9/2024

BP 5131.5 VANDALISM, THEFT AND GRAFFITI

The School Board considers vandalism a very serious matter. Vandalism includes the negligent, willful, or unlawful damaging or theft of any district-owned real or personal property, including the writing of graffiti.

(cf. 3515.4 - Recovery for Property Loss or Damage)

Any district student who commits an act of vandalism shall be subject to disciplinary action, reparation for damages, and also may be reported to law enforcement.

If reparation of damages is not made, the district also may withhold the student's grades, diploma and/or transcripts.

(cf. 5125.3 - Withholding Grades, Diploma or Transcripts)

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

Legal References:

ALASKA STATUTES

09.65.255 Liability for acts of minors

14.33.130 Enforcement of approved program [school disciplinary & safety program]; additional safety obligations

Revised 1/2011

Adopted: June 10, 2003

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Students

ALCOHOL AND OTHER DRUGS BP 5131.6(a)

Note: Districts must have in place written standards to address the needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program. AS 14.33.120(a)(6). In addition, districts receiving funds for prevention programs pursuant to the Drug-Free Schools and Community Act of 1986, as amended by the Every Student Succeeds Act, are required to have a policy on drug abuse prevention instruction and procedures for eliminating the sale or use of alcohol and other drugs. ESSA also requires that those districts inform and involve parents in violence and drug prevention efforts. Districts must make reasonable efforts to inform parents of the content of safe and drug-free school programs and activities other than classroom instruction. If a parent objects in writing, the district must withdraw the student from the program or activity. AS 14.30.360 encourages districts to provide K-12 health education, including alcohol and drug abuse education. The following sample policy may revised as appropriate.

Note: Despite the passage of AS 17.38, effective February of 2015, which authorizes the use of marijuana under certain conditions, all use, possession and distribution of marijuana by those under 21 is illegal. In addition, as a recipient of federal funds, the district is obligated to maintain a drug-free workplace consistent with federal law, which prohibits the manufacture, distribution, possession and sale of marijuana for all individuals, regardless of age. For purposes of the district's policy and legal obligation, marijuana is prohibited.

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

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

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

Note: Drug use by students is not limited to illegal drugs and can also include abuse of prescription drugs and over-the-counter medications. There is also a growing problem of youth using what are commonly referred to as designer or synthetic drugs. Designer or synthetic drugs come in various forms and may be a chemical compound, a plant-based substance, or a combination. Common names for these drugs include bath salts, K2, spice, salvia, and synthetic marijuana. These drugs have serious and dangerous effects. Synthetic marijuana is an illegal substance in Alaska. AS 11.71.040-.050, 11.71.160. The following optional language prohibits the possession, use, or distribution of "prohibited drugs," which includes all dangerous substances that pose a risk to district students.

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

1. Drugs that are illegal if possessed by those under 21, under any local, state, or federal law; or any drug that can be legally obtained but which has been obtained through illegal means.

2. Alternatives to illegal drugs such as designer or synthetic drugs, whether or not prohibited by law, which are purported to, designed to, or which do impair, restrict, or alter normal cognitive function when absorbed, ingested, injected, or inhaled.

3. Prescription drugs that are not legally obtained or prescribed, are not being used for the prescribed purpose, are being used in excess of the prescribed amount, are being used by other than the person to whom prescribed, or are being sold, traded or distributed.

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

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

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

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

(cf. 1220 - Citizen Advisory Committees)

Opioid Overdose Protection

In accordance with AS 14.30.145, the Superintendent shall ensure that:

1) A person trained to administer an opioid overdose drug is on site when the main school building of each school in the school district is open to students or staff, including periods when the school building is open before and after school hours and during weekend activities; and during each school-sponsored event conducted on school grounds.
2) The main school building of each school in the school district has at least two doses of an opioid overdose drug available on site; and
3) At least one dose of an opioid overdose drug is available during a school-sponsored event conducted on school grounds.

Per AS 14.30.145, a school district, school, or individual is not liable for civil damages for an injury to another individual resulting from a failure to possess or maintain an opioid overdose drug as required by the statute.

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Students

ALCOHOL AND OTHER DRUGS (continued) BP 5131.6(c)

Instruction

The district shall provide preventative instruction which helps students avoid the use of alcohol, marijuana, or other drugs and teaches students how to influence their peers to avoid and/or

discontinue the use of alcohol or drugs. Instruction shall be designed to answer students' questions related to alcohol and drugs.

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

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

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

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

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

(cf. 6142.2 - AIDS Instruction)
(cf. 6143 - Courses of Study)
(cf. 6159 - Individualized Education Program)

Intervention

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

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

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

Commented [AP1]: Deleted: The community has been impacted by historical trauma and the effects of colonization that still last today. The District acknowledges that alcohol and drug abuse are symptoms of this trauma in Alaska Native youth and adults and building a strong cultural identity is crucial to reducing the levels of substance abuse. Staff should be educated in the long-term effects of historical trauma in order to understand why the high rates of substance abuse in Alaska Native youth occur.

ALCOHOL AND OTHER DRUGS (continued) BP 5131.6(d)

Nonpunitive Self-Referral

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

Enforcement/Discipline

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

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

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

(cf. 5145.12 - Search and Seizure)

Legal Reference:

ALASKA STATUTES
04.16.080 Sales or consumption at school events
14.20.680 Required alcohol and drug related disabilities training
14.30.145 Opioid overdose drugs
14.30.360 Curriculum (Health and Safety Education)
14.33.110-.140 Required school disciplinary and safety program
17.38.010-900 The regulation of marijuana
47.37.045 Community action against substance abuse grant fund

UNITED STATES CODE
Elementary and Secondary Education Act, 20 U.S.C. §§ 7116, 7163, as amended by the Every Student Succeeds Act, P.L. 114-95

Revised ~~4/2022~~9/2024

BP 5131.6 ALCOHOL AND OTHER DRUGS

Note: *Districts must have in place written standards to address the needs of students for whom mental health or substance abuse may be a contributing factor to noncompliance with the school disciplinary and safety program. AS 14.33.120(a)(6). In addition, districts receiving funds for prevention programs pursuant to the Drug-Free Schools and Community Act of 1986, as amended by the Every Student Succeeds Act are required to have a policy on drug abuse prevention instruction and procedures for eliminating the sale or use of alcohol and other drugs. ESSA also requires that those districts inform and involve parents in violence and drug prevention efforts. Districts must make reasonable efforts to inform parents of the content of safe and drug-free school programs and activities other than classroom instruction. If a parent objects in writing, the district must withdraw the student from the program or activity. AS 14.30.360 encourages districts to provide K-12 health education, including alcohol and drug abuse education. The following sample policy may revised as appropriate.*

Note: *Despite the passage of AS 17.38, effective February of 2015, which authorizes the use of marijuana under certain conditions, all use, possession and distribution of marijuana by those under 21 is illegal. In addition, as a recipient of federal funds, the district is obligated to maintain a drug-free workplace consistent with federal law, which prohibits the manufacture, distribution, possession and sale of marijuana for all individuals, regardless of age. For purposes of the district's policy and legal obligation, marijuana is prohibited.*

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

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These drugs have serious and dangerous effects. Synthetic marijuana is an illegal substance in Alaska. AS 11.71.040-.050, 11.71.160.

The following optional language prohibits the possession, use, or distribution of "prohibited drugs," which includes all dangerous substances that pose a risk to district students.

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

1. Drugs that are illegal if possessed by those under 21, under any local, state, or federal law; or any drug that can be legally obtained but which has been obtained through illegal means.
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3. Prescription drugs that are not legally obtained or prescribed, are not being used for the prescribed purpose, are being used in excess of the prescribed amount, are being used by other than the person to whom prescribed, or are being sold, traded or distributed.

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

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

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

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make recommendations related to the prevention of alcohol and other drug abuse. The committee should make its recommendations based on input from students, parents, teachers, school administrators, and community members. The School Board also encourages the use of site-level advisory groups in this area.

(cf. 1220 - Advisory Questions)

Instruction

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

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

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

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

(cf. 6142.2 - AIDS Instruction)

(cf. 6143 - Courses of Study)

(cf. 6159 - Individualized Education Program)

Intervention

The community has been impacted by historical trauma and the effects of colonization that still last today. The District acknowledges that alcohol and drug abuse are symptoms of this trauma in Alaska Native youth and adults and building a strong cultural identity is crucial to reducing the levels of substance abuse. Staff should be educated in the long-term effects of historical trauma in order to understand why the high rates of substance abuse in Alaska Native youth occur.

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

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Enforcement/Discipline

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

(cf. 5144.1 - Suspension and Expulsion)

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

(cf. 5145.12 - Search and Seizure)

Legal Reference:

ALASKA STATUTES

04.16.080 Sales or consumption at school events

14.20.680 Required alcohol and drug related disabilities training

14.30.360 Health education curriculum; physical activity guidelines

14.33.110-.140 Required School Disciplinary and Safety Program

17.38.010-900 The Regulation of Marijuana

47.37.045 Community action against substance abuse grant fund

UNITED STATES CODE

Elementary and Secondary Education Act, 20 U.S.C. §§ 7116, 7163 *as amended by the* Every Student Succeeds Act, P.L. 114-95

Revised 10/2022

Revised 03/2015

Nome Public Schools

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Students
HEALTH EXAMINATIONS BP 5141.3

Note: Effective June 30, 2016, districts are no longer required by state law to provide for or require each child to have a physical examination upon entry into school and at regular intervals as determined by the school board. The requirement that school districts provide vision and hearing screening examinations remains. While districts are no longer required to provide for and require physical examinations of every child attending school, the Department of Health ~~and Social Services~~ may require the district to conduct physical examinations it considers necessary and may reimburse the district for examinations. The following optional policy may be revised or deleted as needed.

The School Board recognizes the importance of and encourages periodic comprehensive physical health examinations, especially upon entry into school at the beginning of the school year. ~~To determine the health status of students, facilitate the removal of handicaps to learning~~In order to identify barriers to learning, and determine whether treatment or special adaptations of the school program may be necessary, the School Board shall require vision and hearing screening examinations upon entry into school or as soon as practical, and at regular intervals, as necessary. All personnel employed to examine students shall exercise proper care of each student being examined and shall ensure that the examination results are kept confidential.

Note: If a school district will be using federal money to perform exams or screenings on students, the district must annually notify parents of the exam or screening, except for hearing, vision, or scoliosis screenings. The following language implements federal law.

The district will annually notify parents of physical exams or screenings of students, except for routine vision, hearing, or scoliosis screenings.

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity.

(cf. 6145.2 – Interscholastic Competition)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.22 - Infectious Diseases)

Legal Reference:
ALASKA STATUTES
14.30.065 Supervision
14.30.070 Physical examination required
14.30.127 Vision and hearing screening examinations
ALASKA ADMINISTRATIVE CODE
4 AAC 06.055 Immunizations required
UNITED STATES CODE
42 U.S.C. §§ 12101 et seq. (2014)
20 U.S.C. §§ 1232g (2013)20 U.S.C. §§ 1232h (2002)
29 U.S.C. § 794(a) (2002)34 C.F.R. pt. 99 (2011)

Revised ~~10/2016~~9/2024

Commented [AP1]: Deleted: CODE OF FEDERAL REGULATIONS
34 C.F.R. pt. 99 (2011)

BP 5141.3 HEALTH EXAMINATIONS

Note: *Effective June 30, 2016, districts are no longer required by state law to provide for or require each child to have a physical examination upon entry into school and at regular intervals as determined by the school board. The requirement that school districts provide vision and hearing screening examinations remains. While districts are no longer required to provide for and require physical examinations of every child attending school, the Department of Health and Social Services may require the district to conduct physical examinations it considers necessary and may reimburse the district for examinations. The following optional policy may be revised or deleted as needed.*

The School Board recognizes the importance of periodic health examinations. To determine the health status of students, facilitate the removal of handicaps to learning, and determine whether special adaptations of the school program may be necessary, the School Board shall require vision and hearing screening examinations upon entry into school or as soon as practical.

All personnel employed to examine students shall exercise proper care of each student being examined and shall ensure that the examination results are kept confidential.

Note: *If a school district will be using federal money to perform exams or screenings on students, the district must annually notify parents of the exam or screening, except for hearing, vision, or scoliosis screenings. The following language implements federal law.*

The district will annually notify parents of physical exams or screenings of students, except for routine vision, hearing, or scoliosis screenings.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.22 - Infectious Diseases)

Legal Reference:

ALASKA STATUTES

14.30.065 Supervision
14.30.070 Physical examination required
14.30.127 Vision and hearing screening examinations

ALASKA ADMINISTRATIVE CODE

4 AAC 06.055 Immunizations required

UNITED STATES CODE

42 U.S.C. §§12101 et seq. (2014)

20 U.S.C. §§1232g (2013)

20 U.S.C. §§1232h (2002)

29 U.S.C. §794(a) (2002)

CODE OF FEDERAL REGULATIONS

34 C.F.R. pt. 99 (2011)

Revised 12/2016

Revised 10/2016

Nome Public Schools

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED

Students BP 5141.31

IMMUNIZATIONS

Note: Effective July 1, 2009, school children must be immunized against varicella.

Prior to first entry into school, a child must be fully immunized as required by law against diphtheria, pertussis, tetanus, polio, measles, rubella, mumps, hepatitis A, hepatitis B, and varicella. Children over the age of 12 shall not be required to be immunized against rubella (4 AAC 06.055).

Commented [AP1]: Deleted: Children over the age of six shall not be required to be immunized against pertussis and

Any student who does not show evidence of required immunization or who does not present a letter or affidavit from the parent/guardian or physician, physician's assistant, or advanced nurse practitioner stating reasons for exemption based on medical reasons or ~~personal~~ religious beliefs, as set forth in 4 AAC 06.055(b), shall be excluded from school until such time as the immunization is obtained or affidavit of exemption has been filed with the school. Exemptions must renewed annually. Personal or philosophical objections to immunizations are not permitted per 4 AAC 06.055.

The Superintendent or designee shall exclude those students who fail to meet immunization requirements as required by law.

Provisional Admission

Where regular weekly medical services are not available, the Superintendent or designee may grant provisional admission to students in exceptional circumstances for up to 90 days.

Homeless students, under the definition of the McKinney-Vento Homeless Assistance Act, who do not have a record of required immunizations may be provisionally enrolled for up to 30 days if a parent or legal guardian attests in writing that they have received the required immunizations.

(cf. 5112.2 - Exclusion)
(cf. 5112.6 *Education for Homeless Children and Children in Foster Care*)

Note: Pursuant to 4 AAC 06.055 immunizations must be provided by state or federal health services if otherwise unavailable in the district or if unaffordable.

Provisional admissions shall be reported to the Department of Health and Social Services. The Superintendent or designee shall inform parents/guardians of available immunization services and state or federal assistance.

Legal Reference:
ALASKA STATUTES
14.30.065 Supervision
14.30.125 Immunization

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED

ALASKA ADMINISTRATIVE CODE
4 AAC 06.055 IMMUNIZATIONS REQUIRED

Revised ~~1/09~~8/2024

AASB POLICY REFERENCE MANUAL
9/92

BP 5141.31 IMMUNIZATIONS

Prior to first entry into school, a child must be fully immunized as required by law against diphtheria, pertussis, tetanus, polio, measles, rubella, mumps, hepatitis A, and hepatitis B. Children over the age of six shall not be required to be immunized against pertussis and children over the age of 12 shall not be required to be immunized against rubella (4 AAC 06.055).

Any student who does not show evidence of required immunization or who does not present a letter or affidavit from the parent/guardian or physician, physician's assistant, or advanced nurse practitioner stating reasons for exemption based on medical reasons or personal beliefs, shall be excluded from school until such time as the immunization is obtained or affidavit of exemption has been filed with the school.

The Superintendent or designee shall exclude those students who fail to meet immunization requirements as required by law.

Legal References:

ALASKA STATUTES

14.30.065 Supervision

14.30.125 Immunization

ALASKA ADMINISTRATIVE CODE

4 AAC 06.055 IMMUNIZATIONS REQUIRED

Adopted: June 10, 2003

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Students

AT-RISK YOUTHS BP 5141.51

Note: This optional policy may be revised or deleted as desired.

The School Board ~~believes that, in order to benefit from a learning environment, students must be as free as possible from the dilemma imposed by personal and societal problems. Danger signs for the various at-risk categories must be taken seriously.~~ recognizes that personal, social, economic, and health circumstances of children and families may contribute to students' risk of school failure. District personnel must be concerned for the personal development of students, as well as their academic development. District assessments and evaluations shall be used to identify students performing well below grade-level or at risk of failing to meet district standards.

The Superintendent or designee shall investigate and recommend programs ~~which will that~~ that address the needs of at-risk youths. At-risk youths include, but are not limited to, those students who abuse drugs or alcohol, ~~are suicidal~~ engage in self-harm or express suicidal ideations, ~~exhibit~~ have serious attendance problems, drop out of school, are abused or neglected, ~~disadvantaged children,~~ are experiencing homelessness, or are pregnant or parenting minors.

Program planning should examine, but is not limited, to the following:

1. Classroom learning experiences and the integration of primary prevention programs into the classroom.
2. Staff professional development ~~requirements~~.
3. District liability.
4. Community resources.
5. Crisis response/intervention teams.
6. Peer counseling.
7. Parent/guardian education.
8. Student Study Teams.
9. Kindergarten through 12 counseling and guidance curriculum.
10. Attendance and policy procedures.
11. Student discipline.
12. Alternative programs.

(cf. 5131.6 - Drugs, Alcohol and Tobacco)
(cf. 5141.4 - Child Abuse and Neglect)
(cf. 5141.52 - Suicide Prevention)
(cf. 5141.41 - Sexual Abuse, Sexual Assault and Dating Violence Awareness and Prevention
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention Program)
(cf. 5148 - Child Care)

Revised ~~3/2016~~ 09/2024

BP 5141.51 AT-RISK YOUTHS

The School Board believes that, in order to benefit from a learning environment, students must be as free as possible from the dilemma imposed by personal and societal problems. Danger signs for the various at-risk categories must be taken seriously. District personnel must be concerned for the personal development of students, as well as their academic development.

The Superintendent or designee shall investigate and recommend programs which will address the needs of at-risk youths. At-risk youths include, but are not limited to, those students who abuse drugs or alcohol, are suicidal, exhibit serious attendance problems, drop out of school, are abused or disadvantaged children, or are pregnant or parenting minors.

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1. Classroom learning experiences and the integration of primary prevention programs into the classroom.

2. Staff development requirements.

3. District liability.

4. Community resources.

5. Crisis response/intervention teams.

6. Peer counseling.

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11. Student discipline.

12. Alternative programs.

(cf. 5131.6 - Drugs, Alcohol and Tobacco)

(cf. 5141.4 - Child Abuse and Neglect)

(cf. 5141.52 - Suicide Prevention)

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

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 5147 - Dropout Prevention Program)

(cf. 5148 - Child Care)

Revised 3/2016

WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED
Instruction

DAMAGED OR LOST INSTRUCTIONAL MATERIALS AND EQUIPMENT BP 6161.2

Note: The following sample policy may be revised or deleted to reflect district philosophy and needs.

The School Board recognizes that instructional materials are an expensive district resource. The Superintendent or designee may establish procedures in accordance with law to protect instructional materials from damage or loss.

Instructional materials and equipment provided for use by students remain the property of the district. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials and equipment are lost or so damaged that they are no longer usable, the student shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent or designee shall determine a lesser charge.

If it can be demonstrated to the Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials and equipment issued to him/her, the Superintendent or designee may excuse the student/parent/guardian from payment of reparation.

~~If reparation is not excused and not paid by the student or parent/ guardian, the district may initiate due process procedures to withhold from the student his/her grades, diploma and transcripts.~~

~~*(cf. 5125.3- Withholding Grades, Diploma or Transcripts)*~~
(cf. 5131.5 - Vandalism, Theft and Graffiti)
(cf. 3515.4 Recovery for Property Loss or Damage)

Revised ~~1/09~~ 09/2024

AASB POLICY REFERENCE MANUAL
9/92

BP 6161.2 DAMAGED OR LOST INSTRUCTIONAL MATERIALS

The School Board recognizes that instructional materials are an expensive district resource. The Superintendent or designee may establish procedures in accordance with law to protect instructional materials from damage or loss.

Instructional materials provided for use by students remain the property of the district. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials are lost or so damaged that they are no longer usable, the student shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent or designee shall determine a lesser charge.

If it can be demonstrated to the Superintendent or designee's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the

Superintendent or designee may excuse the student/parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/ guardian, the district may initiate due process procedures to withhold from the student his/her grades, diploma and transcripts.

(cf. 5125.2- Withholding Grades, Diploma or Transcripts)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

Adopted: June 10, 2003

E 6171 TITLE I PROGRAMS - NOTICE TO PARENTS REQUIRED BY EVERY STUDENT SUCCEEDS ACT

***Note**: Under the Every Student Succeeds Act, parent notifications for the 2016-2017 school year are required but they must align to NCLB requirements. However, not all NCLB notices are required. This list of parental notice requirements is designed to help districts meet the many notice requirements of NCLB as required for the 2016-2017 school year. NCLB makes it clear that schools receiving federal funds must ensure that parents are actively involved and knowledgeable about their schools and their child's education. The law requires schools to give parents many different kinds of information and notices in a uniform and understandable format and to the extent practicable, in a language that parents understand. The only notices applying to districts that do not receive Title I funds are those regarding student privacy. The notices described in this example are summarized; please see the specific NCLB section cited for the exact requirements. The NCLB citations are retained for purposes of implementing notice requirements for the 2016-17 school year.*

Improving Basic Programs Operated by Local Educational Agencies

- Teacher Qualifications. As required by NCLB §1111(h)(6)(A): At the beginning of each school year, a school district that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the district will provide the parents on request, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:
    a. Whether the teacher has met the State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
    b. Whether the teacher is teaching under emergency or other provisional status.
    c. The teacher's baccalaureate degree major and any other graduate certifications or degrees.
    d. Whether paraprofessionals provide services to the student and, if so, their qualifications.
- Individual Achievement on State Assessment. As required by NCLB §1111(h)(6)(B)(i): districts must provide to parents information on the level of achievement of the parent's child in each of the State academic assessments.

English Language Learners

- As required by NCLB §1112(g)(l)(A) and (g)(2), and §3302(a): Districts must inform a parent of an English language learner lidentified for participation, or participating in, such a program of the reasons for their child being identified, their child's level of English proficiency, instructional method, how their child's program will meet their child's needs, how the program will help the child to learn English,

exit requirements for the program to meet the objectives of any limited English proficiency, and information regarding parental rights.

. As required by NCLB §1112(g)(4) and §3302(e): Each district shall implement an effective means of outreach to parents of English language learner students to inform the parents regarding how they can be involved in their children's education, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging State academic achievement standards and State academic content standards expected of all students. In addition, the outreach shall include holding, and sending notice of opportunities for, regular meetings for formulating and responding to parent recommendations.

Academic Assessment and Local Education Agency and School Improvement

. Districts shall provide parents notice of each school's ASPI designation, including:
    a. An explanation of what the identification means, and how the school compares in terms of academic achievement to other district schools and the State educational agency; and
    b. The reasons for the identification.
. Notice to parents of each student enrolled in a school designated as a Priority or Focus school, including:
    a. An explanation of what the school identified for school improvement is doing to address the problem;
    b. An explanation of what the district or State educational agency is doing to help the school address the achievement problem; and
    c. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified as a priority or focus school.

Parental Involvement

. As required by NCLB §1118(b): Parents shall be notified of the parental involvement policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.
. As required by NCLB §1118(c): Each school shall:
    a. Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation, and to explain the requirements of this part, and the right of the parents to be involved;
    b. Offer a flexible number of meetings;
    c. Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs including the planning, review, and improvements of the school parental involvement policy and the joint development of the school wide program plan under §1114(b)(2);

d. Provide parents of participating children:

- Timely information about programs under this part;

  A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and

- If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

Education of Homeless Children and Youths

. As required by NCLB §722(e)(3)(C): The district shall provide written notice, at the time any homeless child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that:
   a. Shall be signed by the parent or guardian;
   b. Sets the general rights provided under this subtitle;
   c. Specifically states:

      - The choice of schools homeless children and youths are eligible to attend,
      - That no homeless child or youth is required to attend a separate school for homeless children or youths,
      - That homeless children and youths shall be provided comparable services including transportation services, educational services, and meals through school meals programs; and
      - That homeless children and youths should not be stigmatized by school personnel; and,

   d. Includes contact information for the local liaison for homeless children and youths.

. As required by NCLB §722(g)(2)(B)(iii): In the case of an unaccompanied homeless youth, the district shall ensure that the homeless liaison assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.
. As required by NCLB §722(g)(6)(A)(iv): Each district shall ensure that public notice of the educational rights of

- homeless children is disseminated where such children and youths receive services under this Act, such as schools, family
- shelters, and soup kitchens.

Student Privacy

. As required by NCLB §1061(c)(2)(A): The student privacy policies developed by a district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by that district. At a minimum, the district shall:
    a. Provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in such policies; and
    b. Offer an opportunity for the parent to opt the student out of the activity.
. As required by NCLB §1061(c)(2): All districts shall provide reasonable notice of such existing policies to parents and guardians of students, e.g. "The School Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. *(Copies of those policies are available on request.)*"

Revised (12/28/2020)

Adopted: June 10, 2003

Nome Public Schools

BP 5141.42 PROFESSIONAL BOUNDARIES OF STAFF WITH STUDENTS

Purpose

The District is committed to protecting children from inappropriate conduct by adults, including school staff and volunteers. The purpose of this policy is to provide all staff, students, volunteers and community members with information about their role in protecting children. This policy applies to all district staff and volunteers. For purposes of this policy and its administrative regulation, the terms "district staff," "staff member(s)," and "staff" also includes volunteers.

General Standards

Maintain professional boundaries: The board expects all staff to maintain the highest professional standards when they interact with students. District staff are required to maintain an atmosphere conducive to learning by consistently maintaining professional boundaries with students.

The interactions and relationships between district staff and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, and consistency with the district's educational mission.

District staff will not intrude on a student's physical and/or emotional boundaries unless the intrusion is necessary to serve a bona fide health, safety, or educational purpose. An educational purpose is one that relates to the staff member's duties as an educator. Additionally, staff members are expected to avoid any appearance of impropriety in their conduct when interacting with students.

Report violations of professional boundaries: Whenever a staff member observes another staff member engaging in inappropriate boundary invasions with a student, they must report what they have observed to administration. ***When in doubt, report it out.***

***Preexisting, outside relationships with students*:** The board recognizes that staff may have familial and pre-existing social relationships with parents/guardians/caretakers of students and students. This could create dual relationships with students. Staff members should use sound professional judgment when they have a dual relationship with students to avoid violating this policy. In all such relationships staff should avoid any appearance of impropriety with any student and any appearance of favoritism toward any student.

Staff members shall pro-actively discuss dual relationship circumstances with their building administrator or supervisor. Regardless of any preexisting relationship with students outside of work, when on the job as an educator, staff shall abide by this policy and its accompanying administrative regulations.

Use of technology: The board supports the use of technology to communicate for educational purposes. However, unless the student is the staff member's own child, staff are prohibited from communicating privately with students on-line or from engaging in any conduct on social networking websites that violates the law, district policies or procedures, or other generally recognized professional standards.

Staff whose conduct violates this policy may face disciplinary and/or termination consistent with the district's policies and procedures, acceptable use agreement, and collective bargaining agreements, as applicable.

Training: The Superintendent or Superintendent's designee will develop staff training relating to this policy, including protocols for reporting and investigating allegations and develop procedures and training to accompany this policy.

(cf. 4131 – Certificated Staff Development)

(cf. 5131.43 – Harassment, Intimidation and Bullying)

(cf. 5137 – Positive School Climate)

(cf. 5141.4 – Child Abuse and Neglect)

(cf. 6161.4 – Internet)

cf. 6161.5 – Web Sites/Pages)

ALASKA STATUTES

11.61.120 Harassment in the second degree

14.08.111 Duties

14.14.090 Duties of School Boards

14.30.355 Sexual abuse and sexual assault awareness and prevention

14.30.360 Curriculum (health and safety education

14.33.200 Harassment, intimidation and bullying

14.33.210 Reporting of incidents of harassment, intimidation and bullying

14.33.220 Reporting no reprisals

14.33.230 Immunity from suit

14.33.250 Definitions

47.14.300 Multidisciplinary Child protection teams

47.17.010 Child protection

47.17.020 Persons required to report

47.17.022 Training

Adopted: June 09, 2020

Nome Public Schools

AR 5141.42 PROFESSIONAL BOUNDARIES OF STAFF WITH STUDENTS

Boundary Invasions
School employees and volunteers are professionally and ethically obligated to maintain professional boundaries with students when working in an educator's professional role. Staff is defined as school employees and volunteers. In any staff-student relationship, staff is expected to maintain professional boundaries with students and avoid any boundary invasion which does not have a legitimate health, safety, or educational reason.

Schools must pay attention to boundary invasions and unprofessionalism because inappropriate boundary invasions bt staff can morph into sexual grooming of students. If there is no legitimate health, safety, or educational reason for such boundary invasions, such boundary invasions are unwise and prohibited. Curtailing inappropriate boundary invasions reduces the opportunity for sexual grooming.

Inappropriate Boundary Invasion Examples
Examples of possible inappropriate boundary invasions by staff members include, but are not limited to, the following:

Taking an undue interest in a Particular Student:

1. Having a "special friend or a "special relationship" with a particular student.
2. Favoring certain students by giving them special privileges.
3. Favoring certain students, inviting them to come to the classroom at non-class times.
4. Getting a particular student out of class to visit the teacher during the teacher's prep period.
5. Engaging in peer-like behavior with students including rough-housing.

Using poor judgment in relation to a particular student:

6. Allowing a particular student to get away with inappropriate behavior.
7. Being alone with the student behind closed doors at school.
8. Giving gifts or money to the student.
9. Being overly "touchy" with certain students.
10. Touching students for no educational or health reason.
11. Giving students rides in the educator's personal vehicle, especially alone.
12. Frequent electronic communication or phone contacts with a particular student.

Becoming involved in the student's private life:

13. Talking to the student about the educator's personal problems.
14. Talking to the student about the student's personal problems to the extent that the adult becomes a confidant of the student when it is not the adult's job role to do so.
15. Initiating or extending contact with students beyond the school day in a private or non-group setting.

16. Taking a particular student on personal outings, away from protective adults.
17. Using email, test-messaging, instant messaging, or social networking to discuss personal topics or interests with students.

Not respecting normal boundaries:

18. Invading the student's physical privacy (*i.e.*, walking in on the student in the bathroom).
19. Inviting students to the educator's home.
20. Visiting the student's home.
21. Asking the student to keep certain things secret from his/her parents.

Sexually related conduct:

22. Engaging in sex talk with students (sexual innuendo, sexual banter, or sexual jokes).
23. Talking with a student about sexual topics that are not related to a specific curriculum.
24. Showing pornography to the student.
25. Hugging, kissing, or other affectionate physical contact with a student.

Reporting Violations and Administrative Follow Up

Reporting: Staff members must promptly report to the principal or administrative supervisor of any employee or volunteer suspected of engaging in inappropriate boundary invasions they become aware. Do not inform the employee or volunteer suspected of engaging in appropriate boundary invasions that a report has been made.

Students and their parents/guardians are strongly encouraged to notify the principal (or other administrator) if they believe a staff member may be engaging in conduct that violates this policy or procedure.

Administrative Follow Up: The administrator to whom a boundary invasion concern is initially reported must document the concern and promptly provide a copy of that documentation to the Superintendent or Superintendent's designee. The Superintendent or Superintendent's designee shall see to it that (a) the alleged conduct is investigated, (b) any students involved are protected, (c) parents are informed, (d) where appropriate Office of Children's Services (OCS) and/or law enforcement are contacted, and (e) where appropriate, remedial and/or disciplinary action is taken.

Reporting Sexual Abuse

A.S. 47.17.020 and Board Policy require that persons who are mandatory reporters who, in the performance of their occupational duties have reasonable cause to suspect that a child has suffered harm as a result of **child abuse** or **neglect**, shall immediately report the harm to OCS or to a peace officer if OCS cannot be reached and immediate action is necessary for the well-being of the child. If there is reasonable cause to suspect sexual abuse, a report must be promptly made to OCS.

Any situation where a school employee or volunteer is believed to have engaged in sexual abuse of a student should also be reported to law enforcement.

Disciplinary Action
Staff violations of this policy may result in disciplinary action up to and including dismissal.

Training
Staff (including volunteers) will receive training on professional boundaries, inappropriate boundary invasions, and the relationship of inappropriate boundary invasions to sexual grooming. Such training shall take place at least every three years. All new employees and volunteers will receive such training within three months of employment or service. Such training will cover the information included in the training handout, E 5141.42-1, "School Guidelines for Preventing Sexual Abuse Against Students."

Dissemination of Policy and Reporting Protocols
This policy and procedure will be included on the district website and in all employee, student, and volunteer handbooks.

Professional Boundaries Checklist

Taking an Undue Interest in a Particular Student:

1. Favoring certain students by giving them special privileges.
2. Favoring certain students, inviting them to come to the classroom at non-class times.
3. Getting a particular student out of class to visit the teacher during the teacher's prep period.
4. Engaging in peer-like behavior with students.

Using Poor Judgment in Relation to a Particular Student:

5. Allowing a particular student to get away with inappropriate behavior.
6. Being alone with the student behind closed doors at school.
7. Giving gifts or money to the student.
8. Being overly "touchy" with certain students or touching students for no educational or health reason.
9. Giving students rides in the educator's personal vehicle, especially alone.
10. Frequent electronic communication or phone contacts with a particular student.

Becoming Involved in the Student's Private Life:

11. Talking to the student about the educator's personal problems.
12. Talking to the student about the student's personal problems to the extent that the adult becomes a confidant of the student when it is not the adult's job role to do so.
13. Initiating or extending contact with students beyond the school day.
14. Taking a particular student on outings, especially personal outings, away from protective adults.
15. Using e-mail, text-messaging, instant messaging, or social networking to discuss personal topics or interests with students.

Not Respecting Normal Boundaries:

16. Invading the student's physical privacy (e.g., walking in on the student in the bathroom).
17. Inviting students to the teacher's home.
18. Visiting the student's home.
19. Asking the student to keep certain things secret from his/her parents.

Sexually Related Conduct:

20. Engaging in sex talk with students (sexual innuendo, sexual banter, or sexual jokes).
21. Talking with a student about sexual topics that are not related to a specific curriculum.
22. Showing pornography to the student.
23. Hugging, kissing, or other affectionate physical contact with a student.

AR 4112.5/4212.5/4312.5 SECURITY CHECK

All Personnel

1. No individual will be hired by the district until a background investigation has been completed. The Superintendent may waive this requirement to allow someone to work until the investigation is complete.
2. No person who has ever been convicted, or plead guilty or no contest (including forfeiture of bail) to a crime involving violence against a minor or sexual abuse will be hired by the district.
3. No person who has been convicted, or plead guilty or no contest (including forfeiture of bail) to (1) a felony or (2) a crime or other violation involving a controlled substance, assault in the 4th degree or reckless endangerment within the five years preceding the application, will be hired by the district. If more than five years have elapsed since the crime or violation, a person may apply pursuant to the following paragraph.
4. Applications from persons who have been convicted, or plead guilty or no contest (including forfeiture or bail) to any crime or violation (excluding minor traffic violations) not covered in (2) nor (3) will be considered by the Superintendent on a case by case basis and notice given to the School Board prior to hire or being hired by the district.
5. If charges are pending, no action will be taken on the individual's application until disposition of the charges.
6. These procedures will apply to all employees, volunteers and chaperones.

Revised 06/2022

Adopted: June 10, 2003

BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED IN 7 AAC 10.905
Effective January 1, 2020

The crimes listed in this document bar an individual from being associated in any manner described in 7 AAC 10.900(b) with any entity or individual service provider that is subject to the requirements of 7 AAC 10.900 – 7 AAC 10.990.

DISCLAIMER: This matrix has been developed based on the statutes and regulations that the Background Check Program uses to evaluate applications. It is a reliable tool for determining barrier time frames. However, should there be any discrepancy between this list and applicable regulations, the statutes and regulations always control.

BARRIER CRIME [*See notes at end of table for conditions and definitions*]	A Barrier Within the Following Time Periods				
	PERMANENT	**10 Years**	**5 Years**	**3 Years**	**See 7 AAC 10.905 at:**
ATTEMPT, SOLICITATION, AND CONSPIRACY **Barrier determination is based on the class of crime attempted/solicited/conspired** For all convictions of attempt, solicitation, or conspiracy, check the crime attempted/solicited/conspired and base the barrier on that crime. There is no reduction on the length of the barrier simply because the crime was charged or amended to attempt, conspiracy to commit, or solicitation to commit.					
AS 11.31.100 (attempt to commit a crime) Barrier is based on the class of crime attempted	If listed under 7 AAC 10.905 (b)	Under 905(c)	Under 905(d)	Under 905(e)	
AS 11.31.110 (solicitation to commit a crime) Barrier is based on the class of crime solicited	If listed under 7 AAC 10.905 (b)	Under 905(c)	Under 905(d)	Under 905(e)	
AS 11.31.120 (conspiracy to commit a crime) Barrier is based on the class of crime the conspiracy was intended to promote or facilitate	If listed under 7 AAC 10.905 (b)	Under 905(c)	Under 905(d)	Under 905(e)	
OFFENSES AGAINST THE PERSON					
AS 11.41 . . . an unclassified, a class A or a class B felony	X				(b)(1)
AS 11.41.100 (murder in the first degree) *Unclassified Felony*	X				(b)(1)
AS 11.41.110 (murder in the second degree) *Unclassified Felony*	X				(b)(1)
AS 11.41.120 (manslaughter) *Class A Felony*	X				(b)(1)
AS 11.41.130 (criminally negligent homicide) *Class B Felony*	X				(b)(1)
AS 11.41.150 (murder of an unborn child) *Unclassified Felony*	X				(b)(1)
AS 11.41.160 (manslaughter of an unborn child) *Class A Felony*	X				(b)(1)
AS 11.41.170 (Criminally negligent homicide of an unborn child) *Class B Felony*	X				(b)(1)
AS 11.41.200 (assault in the first degree) *Class A Felony*	X				(b)(1)
AS 11.41.210 (assault in the second degree) *Class B Felony*	X				(b)(1)
AS 11.41.220 (assault in the third degree) *Class C Felony*	X				(b)(4)
AS 11.41.230 (assault in the fourth degree) *Class A Misdemeanor*			X		(d)(1)(A)
AS 11.41.250 (reckless endangerment) *Class A Misdemeanor*			X		(d)(1)(B)
AS 11.41.260 (stalking in the first degree) *Class C Felony*		X			(c)(1)
AS 11.41.270 (stalking in the second degree) *Class A Misdemeanor*			X		(d)(1)(C)
AS 11.41.280 (assault of an unborn child in the first degree) *Class A Felony*	X				(b)(1)
AS 11.41.282 (assault of an unborn child in the second degree) *Class B Felony*	X				(b)(1)
AS 11.41.300 (kidnapping) *Unclassified Felony* or *Class A Felony*	X				(b)(1)
AS 11.41.320 (custodial interference in the first degree) *Class C Felony*	X				(b)(3)
AS 11.41.330 (custodial interference in the second degree) *Class A Misdemeanor*			X		(d)(1)(D)
AS 11.41.360 (Human trafficking in the first degree) *Class A Felony*	X				(b)(1)
AS 11.41.365 (Human trafficking in the second degree) *Class B Felony*	X				(b)(1)
AS 11.41.410 (sexual assault in the first degree) *Unclassified Felony*	X				(b)(1)
AS 11.41.420 (sexual assault in the second degree) *Class B Felony*	X				(b)(1)
AS 11.41.425 (sexual assault in the third degree) *Class C Felony ("sex offense" see AS 12.63.100(7)(C)(i))*	X				(b)(11)
AS 11.41.427 (sexual assault in the fourth degree) *Class A Misdemeanor ("sex offense" see AS 12.63.100(7)(C)(i))*	X				(b)(11)

BARRIER CRIME [*See notes at end of table for conditions and definitions*]	A Barrier Within the Following Time Periods				
	PERMANENT	**10 Years**	**5 Years**	**3 Years**	**See 7 AAC 10.905 at:**
AS 11.41.434 (sexual abuse of a minor in the first degree) *Unclassified Felony*	X				(b)(1)
AS 11.41.436 (sexual abuse of a minor in the second degree) *Class B Felony*	X				(b)(1)
AS 11.41.438 (sexual abuse of a minor in the third degree) *Class C Felony ("sex offense" see AS 12.63.100(7)(C)(i))*	X				(b)(11)
AS 11.41.440(a)(2) (sexual abuse of a minor in the fourth degree) *Class A Misdemeanor ("sex offense" see AS 12.63.100(7)(C)(ii))* (adults only; for minors, see Note 3)	X				(b)(11)
AS 11.41.450 (incest) *Class C Felony ("sex offense" see AS 12.63.100(7)(C)(iii))*	X				(b)(11)
AS 11.41.452 (online enticement of a minor) (also "*sex offense*" *see AS 12.63.100(7)(C)(iii))*					
Class A Felony if the defendant was required to register as a sex offender or child kidnapper	X				(b)(1)/(b)(3)
Class B Felony if not required to register as a sex offender or child kidnapper	X				(b)(1)
AS 11.41.455 (unlawful exploitation of a minor) *Class A Felony*	X				(b)(1)
AS 11.41.458 (indecent exposure in the first degree) *Class C Felony ("sex offense" see AS 12.63.100(7)(c)(iii))*	X				(b)(11)
AS 11.41.460 (indecent exposure in the second degree) *Class A Misdemeanor or B Misdemeanor*	X				(b)(5)
AS 11.41.500 (robbery in the first degree) *Class A Felony*	X				(b)(1)
AS 11.41.510 (robbery in the second degree) *Class B Felony*	X				(b)(1)
AS 11.41.520 (extortion) *Class B Felony*	X				(b)(1)
AS 11.41.530 (coercion) *Class C Felony*			X		(d)(1)(E)
OFFENSES AGAINST PROPERTY					
AS 11.46.120 (theft in the first degree) *Class B Felony*		X			(c)(2)(A)
AS 11.46.130 (theft in the second degree) *Class C Felony*			X		(d)(2)
AS 11.46.140 (theft in the third degree) *Class A Misdemeanor*				X	(e)(1)(A)
AS 11.46.220 (concealment of merchandise) if a Class C Felony			X		(d)(2)
AS 11.46.260 (removal of identification marks) if a Class C Felony			X		(d)(2)
AS 11.46.270 (unlawful possession) if a Class C Felony			X		(d)(2)
AS 11.46.280 (issuing a bad check)					
If *Class B Felony* (if the face amount of the check is $25,000 or more)		X			(c)(2)(B)
If *Class C Felony* (if the face amount of the check is $750 or more but less than $25,000)			X		(d)(2)
AS 11.46.285 (fraudulent use of an access device or identification document)					
If *Class B Felony* (if the value of the property or services obtained is $25,000 or more)		X			(c)(2)(C)
If *Class C Felony* (f the value of the property or services obtained is $75 or more but less than $25,000)			X		(d)(2)
AS 11.46.290 (obtaining an access device or identification document by fraudulent means) *Class C Felony*			X		(d)(2)
AS 11.46.300 (burglary in the first degree) *Class B Felony*		X			(c)(2)(D)
AS 11.46.310 (burglary in the second degree) *Class C Felony*			X		(d)(2)
AS 11.46.320 only if DV (criminal trespass in the first degree) *Class A Misdemeanor*			X		(d)(9)
AS 11.46.330 only if DV (criminal trespass in the second degree) *Class B Misdemeanor*			X		(d)(9)
AS 11.46.360 (vehicle theft in the first degree) *Class C Felony*			X		(d)(2)
AS 11.46.400 (arson in the first degree) *Class A Felony*	X				(b)(6)
AS 11.46.410 (arson in the second degree) *Class B Felony*	X				(b)(6)
AS 11.46.420 (arson in the third degree) *Class C Felony*			X		(d)(2)
AS 11.46.427 (criminally negligent burning in the first degree) *Class C Felony*			X		(d)(9)
AS 11.46.430 only if DV (criminally negligent burning in the second degree) *Class A Misdemeanor*			X		(d)(9)
AS 11.46.475 (criminal mischief in the first degree) *Class A Felony*		X			(c)(2)(E)
AS 11.46.480 (criminal mischief in the second degree) *Class B Felony*		X			(c)(2)(F)

BARRIER CRIME [*See notes at end of table for conditions and definitions*]	A Barrier Within the Following Time Periods				
	PERMANENT	**10 Years**	**5 Years**	**3 Years**	**See 7 AAC 10.905 at:**
AS 11.46.482 (criminal mischief in the third degree) *Class C Felony*			X		(d)(2)
AS 11.46.484 only if DV(criminal mischief in the fourth degree) *Class A Misdemeanor*			X		(d)(9)
AS 11.46.486 only if DV (criminal mischief in the fifth degree) *Class B Misdemeanor*			X		(d)(9)
AS 11.46.500 (forgery in the first degree) *Class B Felony*		X			(c)(2)(G)
AS 11.46.505 (forgery in the second degree) *Class C Felony*			X		(d)(2)
AS 11.46.510 (forgery in the third degree) *Class A Misdemeanor*				X	(e)(1)(E)
AS 11.46.520 (criminal possession of a forgery device) *Class C Felony*			X		(d)(2)
AS 11.46.530 (criminal simulation) *Class C Felony*			X		(d)(2)
AS 11.46.550 (offering a false instrument for recording in the first degree) *Class C Felony*			X		(d)(2)
AS 11.46.565 (criminal impersonation in the first degree) *Class B Felony*		X			(c)(2)(H)
AS 11.46.600 (scheme to defraud) *Class B Felony*		X			(c)(2)(I)
AS 11.46.620 (misapplication of property) *Class C Felony*			X		(d)(2)
AS 11.46.630 (falsifying business records) *Class C Felony*			X		(d)(2)
AS 11.46.660 (commercial bribe receiving) *Class C Felony*			X		(d)(2)
AS 11.46.670 (commercial bribery) *Class C Felony*			X		(d)(2)
AS 11.46.710 (deceptive business practices)					
Class C Felony			X		(d)(2)
Class A Misdemeanor				X	(e)(1)(F)
AS 11.46.730 (defrauding creditors)					
If *Class B Felony* (if the loss is $25,000 or more)		X			(c)(2)(J)
If *Class C Felony* (if the loss is $750 or more but less than $25,000)			X		(d)(2)
AS 11.46.740 (criminal use of computer) *Class C Felony*			X		(d)(2)
OFFENSES AGAINST THE FAMILY AND VULNERABLE ADULTS					
AS 11.51.100 (endangering the welfare of a child in the first degree)	X				(b)(7)(A)
AS 11.51.110 (endangering the welfare of a child in the second degree) *Violation*			X		(d)(3)(A)
AS 11.51.120 (criminal nonsupport)					
Class C Felony			X		(d)(3)(B)
Class A Misdemeanor				X	(e)(2)
AS 11.51.121 (aiding the nonpayment of child support in the first degree) *Class C Felony*			X		(d)(3)(C)
AS 11.51.130 (contributing to the delinquency of a minor) *Class A Misdemeanor*			X		(d)(3)(D)
AS 11.51.200 (endangering the welfare of a vulnerable adult in the first degree) *Class C Felony*	X				(b)(7)(B)
AS 11.51.210 (endangering the welfare of a vulnerable adult in the second degree) *Class A Misdemeanor*	X				(b)(7)(C)
OFFENSES AGAINST PUBLIC ADMINISTRATION					
AS 11.56.100 (bribery) *Class B Felony*			X		(d)(9)
AS 11.56.200 (perjury) *Class B Felony*			X		(d)(9)
AS 11.56.205 (unsworn falsification in the first degree) *Class C Felony*			X		(d)(9)
AS 11.56.210 (unsworn falsification in the second degree) *Class A Misdemeanor*			X		(d)(9)
AS 11.56.230 (perjury by inconsistent statements) *Class C Felony*			X		(d)(9)
AS 11.56.300 (escape in the first degree) *Class A Felony*			X		(d)(9)
AS 11.56.310 (escape in the second degree) *Class B Felony*			X		(d)(9)

BARRIER CRIME [*See notes at end of table for conditions and definitions*]	A Barrier Within the Following Time Periods				
	PERMANENT	**10 Years**	**5 Years**	**3 Years**	**See 7 AAC 10.905 at:**
AS 11.56.320 (escape in the third degree) *Class C Felony*			X		(d)(9)
AS 11.56.335 (unlawful evasion in the first degree) *Class C Felony*			X		(d)(9)
AS 11.56.370 (permitting an escape) *Class C Felony*			X		(d)(9)
AS 11.56.375 (promoting contraband in the first degree) *Class C Felony*			X		(d)(9)
AS 11.56.510 (interference with official proceedings) *Class B Felony*			X		(d)(9)
AS 11.56.540 (tampering with a witness in the first degree) *Class C Felony*			X		(d)(9)
AS 11.56.610 (tampering with physical evidence) *Class C Felony*			X		(d)(9)
AS 11.56.705 (harming a police dog in the first degree) *Class C Felony*			X		(d)(9)
AS 11.56.730 (failure to appear) *Class C Felony*			X		(d)(9)
AS 11.56.740 only if DV (violating a protective order) *Class A Misdemeanor*			X		(d)(9)
AS 11.56.745 (interfering with a report of a crime involving domestic violence) *Class A Misdemeanor*				X	(e)(3)(B)
AS 11.56.760 (violating an order to submit to DNA testing) *Class C Felony*			X		(d)(9)
AS 11.56.765 (failure to report a violent crime committed against a child) *Class A Misdemeanor*			X		(d)(4)(A)
AS 11.56.770 (hindering prosecution in the first degree) *Class C Felony*			X		(d)(9)
AS 11.56.807 only if DV (terroristic threatening in the first degree) *Class B Felony*		X			(c)(3)
AS 11.56.807 (terroristic threatening in the first degree) *Class B Felony*			X		(d)(9)
AS 11.56.810 only if DV (terroristic threatening in the second degree) *Class C Felony*			X		(d)(4)(B)
AS 11.56.810 (terroristic threatening in the second degree) *Class C Felony*			X		(d)(9)
AS 11.56.815 (tampering with public records in the first degree) *Class C Felony*			X		(d)(4)(C)
AS 11.56.827 (impersonating a public servant in the first degree) *Class C Felony*			X		(d)(9)
AS 11.56.835 (failure to register as a sex offender or child kidnapper in the first degree) *Class C Felony*	X				(b)(8)(A)
AS 11.56.840 (failure to register as a sex offender or child kidnapper in the second degree) *Class A Misdemeanor*	X				(b)(8)(B)
OFFENSES AGAINST PUBLIC ORDER					
AS 11.61.100 (riot) *Class B Felony*			X		(d)(9)
AS 11.61.118 (harassment in the first degree) *Class A Misdemeanor*			X		(d)(5)(A)
AS 11.61.120(a)(2), (a)(3), (a)(4) only if DV (harassment in the second degree) *Class B Misdemeanor*			X		(d)(9)
AS 11.61.123 (indecent viewing or photography) *Class C Felony* or *Class A Misdemeanor*	X				(b)(9)(A)
AS 11.61.124 (solicitation or production of an indecent picture of a minor) *Class B Felony*			X		(d)(9)
AS 11.61.125 (distribution of child pornography) *Class A or B Felony*	X				(b)(9)(B)
AS 11.61.127 (possession of child pornography) *Class C Felony ("sex offense" see AS 12.63.100(7)(C)(v))*	X				(b)(11)
AS 11.61.128 (electronic distribution of indecent material to a minor) *Class B & C Felony ("sex offense" see AS 12.63.100(7)(C)(v))*	X				(b)(11)
AS 11.61.130 (misconduct involving a corpse) *Class A Misdemeanor*			X		(d)(5)(B)
AS 11.61.140 (cruelty to animals) *Class A Misdemeanor*			X		(d)(5)(C)
AS 11.61.145 (promoting an exhibition of fighting animals) ***if** charged as a *Class C Felony*			X		(d)(5)(C)
AS 11.61.160 (recruiting a gang member in the first degree) *Class B Felony*			X		(d)(9)
AS 11.61.190 (misconduct involving weapons in the first degree) *Class A Felony*		X			(c)(4)(A)
AS 11.61.195 (misconduct involving weapons in the second degree) *Class B Felony*		X			(c)(4)(B)
AS 11.61.200 (misconduct involving weapons in the third degree) *Class C Felony*			X		(d)(5)(E)
AS 11.61.240 (criminal possession of explosives)					
Class A Felony (if the crime intended is murder in any degree or kidnapping)		X			(c)(4)(C)
Class B Felony (if the crime intended is a class A felony)		X			(c)(4)(C)
Class C Felony (if the crime intended is a class B felony)			X		(d)(5)(F)

BARRIER CRIME [*See notes at end of table for conditions and definitions*]	A Barrier Within the Following Time Periods				
	PERMANENT	**10 Years**	**5 Years**	**3 Years**	**See 7 AAC 10.905 at:**
Class A Misdemeanor (if the crime intended is a class C felony)				X	(e)(4)
AS 11.61.250 (unlawful furnishing of explosives) *Class C Felony*			X		(d)(5)(G)
OFFENSES AGAINST PUBLIC HEALTH AND DECENCY					
AS 11.66.100 (prostitution) *Class C Felony*	X				(b)(11)
AS 11.66.110 (sex trafficking in the first degree)					
Unclassified Felony If the person who was induced or caused to engage in prostitution was under 18 years old	X				(b)(10)(A)
Class A Felony If the person who was induced or caused to engage in prostitution was 21years of age or older at the time of the offense BUT NOTE: IF the person induced was under the age of 20, this is a sex crime under 12.63.100(7)(c)(vi)	X	X			(c)(5) OR (b)(11)
AS 11.66.120 (sex trafficking in the second degree) *Class B Felony*					
If the person who was induced or caused to engage in prostitution was under 16 years of age	X				(b)(10)(B)
If the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense	X				(b)(10)(B)
If the person who was induced or caused to engage in prostitution was 18 years of age or older at the time of the offense			X		(d)(6)
AS 11.66.130 (sex trafficking in the third degree) *Class C Felony*	X				(b)(10)(C)
AS 11.66.210 (promoting gambling in the first degree) *Class C Felony*			X		(d)(9)
AS 11.66.230 (possession of gambling records in the first degree) *Class C Felony*			X		(d)(9)
CONTROLLED SUBSTANCES					
AS 11.71.010 (misconduct involving a controlled substance) *Unclassified Felony*		X			(c)(6)
AS 11.71.021 (misconduct involving a controlled substance) *Class A Felony*		X			(c)(6)
AS 11.71.030 (misconduct involving a controlled substance) *Class B Felony*		X			(c)(6)
AS 11.71.040 (misconduct involving a controlled substance) *Class C Felony charged under* (a)(1), (2), (5), (6), (7), (8), or (10)			X		(c)(7)
AS 11.71.040 (misconduct involving a controlled substance) *Class C Felony charged under* (a)(3), (4), (9), or (12)			X		(d)(9)
IMITATION CONTROLLED SUBSTANCES					
AS 11.73.010 (manufacture or delivery of an imitation controlled substance) *Class C Felony*			X		(d)(8)
AS 11.73.020 (possession of substance with intent to manufacture) *Class C Felony*			X		(d)(8)
AS 11.73.030 (delivery of an imitation controlled substance to a minor) *Class B Felony*		X			(c)(7)
AS 11.73.040 (advertisement to promote the delivery of an imitation controlled substance) *Class C Felony*			X		(d)(8)
SEX OFFENSES UNDER AS 12.63.100 **Any sex offense defined by AS 12.63.100, including a similar law of another jurisdiction, is a permanent barring condition. Those not previously listed are as follows:**					
AS 26.05.890 (sexual assault) *("sex offense")*	X				(b)(11)
AS 26.05.893 (prohibited sexual activities with military recruit or trainee by person in position of special trust) *("sex offense")*	X				(b)(11)
AS 26.05.900 (Other sexual misconduct; indecent viewing, visual recording, or broadcasting) Only if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender	X				(b)(11)
AS 26.05.900 (a)(1) – (4) if the victim is under 18 years of age at the time of the offense	X				(b)(11)
AS 26.05.900(b) if the person induced or caused to engage in prostitution was under 20 years of age	X				(b)(11)
AS 26.05.900 (c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c)	X				(b)(11)

BARRIER CRIME [*See notes at end of table for conditions and definitions*]	A Barrier Within the Following Time Periods				
	PERMANENT	**10 Years**	**5 Years**	**3 Years**	**See 7 AAC 10.905 at:**
AS 26.935(b) if the offender commits child pornography or pandering/prostitution, punishable under 10 U.S.C. 934	X				(b)(11)
Convictions under the following former statutes: AS 11.15.120, AS 11.15.134, AS 11.15.160, AS 11.40.110, AS 11.40.200	X				(b)(11)
OTHER CRIMES AND CONDITIONS					
AS 21.36.360 (fraudulent or criminal insurance acts)					
Class B Felony		X			(c)(8)
Class C Felony			X		(d)(10)
AS 28.35.030(n) (operating a vehicle, aircraft or watercraft while intoxicated) *Class C Felony*		X			(c)(9)
AS 28.35.032(p) (refusal to submit to chemical test) *Class C Felony*		X			(c)(10)
AS 28.35.161 (use of electronic devices while driving) If charged as *Any Felony, under (f)(2),(3), or (4)*			X		(d)(9)
AS 47.05.310/AS 47.05.210 Medical Assistance Fraud		X			(c)(11)
AS 47.30.815 (limitation of liability; bad faith application a felony [willful initiation of an involuntary civil commitment procedure without good cause] *Any Felony*			X		(d)(11)
AS 47.10.080 Substantiated OCS findings		X			(f)(3)
AS 47.10.080 CINA adjudications or temporary custody orders		X			(f)(3)
AS 47.10.080 CINA termination of parental rights (TPR)	X				(f)(3)
AS 47.32.130 Revoked, Suspended, Denied, or Conditional License		X			(f)(4)
Placement on the following list or registries, or one under a substantially similar law: OIG, NSOPW, ASO/CKR, LEIE, Medical Assistance Excluded Provider List		X			(f)(2)
Civil finding related to abuse, neglect, exploitation of a child or vulnerable adult under AS 47.10, AS 47.24, AS 47.32, or AS 47.62		X			(f)(3)

IMPORTANT NOTES

(1) Under 7 AAC 10.905(a), a **barrier crime or condition** is a criminal offense or civil finding that prohibits a provider or an applicant from being approved under 7 AAC 10.990. These standards and prohibitions apply to any individual who seeks to provide services or receive payment from the Dpt. of Health and Social Services (DHSS), or to be associated or to remain associated with a provider that is required to obtain a DHSS background check (and subject to AS 47.05.300-47.05.390 and 7 AAC 10.900-7 AAC 10.990).

These barriers apply to a person who has been (1) charged with or convicted of (or found not guilty by reason of insanity for) any crime listed in 7 AAC 10.905, or a crime with similar elements in another jurisdiction, or (2) found (by a court or agency) to have been involved in a matter that is inconsistent with the standards for protection of the health, safety, and welfare of recipients in care.

NOTE: *If a charge or conviction is for a crime committed in another jurisdiction, an equivalency determination will be made as to whether it is a crime with similar elements from the other jurisdiction. An equivalency determination will be made in a manner that applies not only 7 AAC 10.905 (a)(1) and (a)(2), but considers the intent of applicable statutes and regulations.*

(2) Under 7 AAC 10.905(d)(9), a **serious offense** includes any felony not specifically listed elsewhere, so any felony not defined as a permanent or 10 year barrier is classified as a 5 year barrier (see AS12.62.900 for definition of a serious offense, all of which are also listed in the matrix).

(3) Under 7 AAC 10.905(i), a **barrier time** listed begins to run from either:

- the date an individual was charged with or convicted of the crime, or the date of a final civil finding establishing a barrier condition, whichever period ends later; OR - until satisfaction of judgement: if the individual is subject to a judgment of a court related to sentencing/ probation/parole, or to a final civil finding, the barrier time listed will continue until full compliance with conditions of the sentencing/probation/parole, or final civil findings such as restitution, community service, etc.
(4) Under 7 AAC 10.905(m), the following terms and definitions apply when determining if a person is charged or convicted: "**Charged**" with a crime means the person has been indicted or arrested, and is awaiting adjudication or dismissal of the charges. "**Convicted**" or "**conviction**" means a judgment entered by a court of competent jurisdiction in this state or another jurisdiction, either upon the entry of a plea, or after trial. A **suspended imposition of sentence** ("SIS") continues to count as a conviction, even if formally set aside under AS 12.55.085. If a conviction has been subject to an order of clemency, or expunged by court order, it would no longer be considered a barrier. **NOTE***: If a national data base indicates the person was charged and charges are still pending, it will be up to the individual to show proof that the charges were dropped or otherwise resolved.*
(5) **Domestic Violence ("DV"):** For purposes of the background check regulations, any crime involving domestic violence must be reviewed as a serious crime, under 7 AAC 10.905(d)(9). *If the charge or conviction is for a crime that is a felony or specifically enumerated in 7 AAC 10.905(b) or (c), the time frames there apply. *If a charge or conviction is for a crime of domestic violence, and not otherwise listed in 7 AAC 10.905(b) or (c), it is considered a 5-year barrier under 7 AAC 10.905(d), because of the reference to AS 12.62.900(23), which includes domestic violence as a serious crime. *Where the regulations are in conflict, the statute controls. *Crimes involving domestic violence are identified in the matrix by the acronym "DV" *A crime involving domestic violence has the meaning given in AS 18.66.990(3).
(6) Under AS 18.66.990(3) "**domestic violence**" and "**crime involving domestic violence**" mean one or more of the following offenses, or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member: (A) a crime against the person under AS 11.41; (B) burglary under AS 11.46.300 - 11.46.310; (C) criminal trespass under AS 11.46.320 - 11.46.330; (D) arson or criminally negligent burning under AS 11.46.400 - 11.46.430; (E) criminal mischief under AS 11.46.475 - 11.46.486; (F) terrorist threatening under AS 11.56.807 or 11.56.810; (G) violating a protective order under AS 11.56.740(a)(1); or (H) harassment under AS 11.61.120(a)(2) - (4).
(7) Any **sex offense** listed in AS 12.63.100 is a permanent barrier, under 7 AAC 10.905(b)(11).
(8) **Juvenile Offenses**: All permanent barrier offenses which are JOMIS (juvenile) adjudications have a maximum barrier time frame of 10 years past the age of maturity. [7 AAC 10.905(b)]