

CS FOR SENATE BILL NO. 37()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s):

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to physical examinations for students; relating to physical
2 examinations for teachers; relating to sexual abuse and sexual assault awareness and
3 prevention efforts in public schools; relating to dating violence and abuse awareness and
4 prevention efforts in public schools; relating to national criminal history record check
5 requirements for employees of child care facilities and residential child care facilities;
6 and relating to mandatory reporters of child abuse and neglect."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 SHORT TITLE. This Act may be known as the Alaska Safe Children's Act.

11 * Sec. 2. AS 14.20.020 is amended by adding a new subsection to read:

12 (k) The department shall establish a procedure for sending a copy of the
13 criminal justice information and the national criminal history record check conducted

under (c) of this section to the Department of Health and Social Services upon request of a person with a valid teaching certificate issued by the department.

* **Sec. 3.** AS 14.30.070(b) is amended to read:

(b) The Department of Health and Social Services may require the district to conduct [ADDITIONAL] physical examinations that it considers necessary, and may reimburse the district for the [ADDITIONAL] examinations on the basis and to the extent the commissioner of health and social services prescribes by regulation.

* **Sec. 4.** AS 14.30 is amended by adding a new section to read:

Sec. 14.30.075. Physical examinations for teachers. (a) A school district may require physical examinations of teachers as a condition of employment. A school district may not pay the cost of physical examinations for teachers. This section does not affect the coverage of any health insurance benefits that a school district provides to teachers.

(b) In this section, "school district" has the meaning given in AS 14.30.350.

* **Sec. 5.** AS 14.30 is amended by adding new sections to read:

Article 6A. Sexual Abuse and Sexual Assault Awareness and Prevention.

Sec. 14.30.355. Sexual abuse and sexual assault awareness and prevention.

(a) The governing body of each school district shall adopt and implement a policy, establish a mandatory training program for teachers, administrative staff members, including athletic coaches, and students, and provide notices to parents relating to sexual abuse and sexual assault awareness and prevention for students enrolled in grades kindergarten through 12.

(b) The policy, training, and notices under this section must include

- (1) age-appropriate information;
- (2) warning signs of sexual abuse of a child;
- (3) referral and resource information;
- (4) available student counseling and educational support;
- (5) methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children;
- (6) actions that a child may take to prevent and report sexual abuse or sexual assault; and

1 (7) a procedure allowing a student to be excused from participating in
2 training or from receiving notices under this section at the written request of a parent
3 or guardian of the student, or of the student if the student is emancipated or 18 years of
4 age or older.

5 (c) The training required for teachers and administrative staff members,
6 including athletic coaches, under this section shall be provided

7 (1) initially, within the first six months of employment for a new
8 teacher or administrative staff member, including an athletic coach; and

9 (2) thereafter, at least once every five years.

10 (d) In this section,

11 (1) "school district" has the meaning given in AS 14.30.350;

12 (2) "teacher" has the meaning given in AS 14.20.350.

13 **Sec. 14.30.356. Dating violence and abuse policy, training, awareness,**
14 **prevention, and notices.** (a) The governing body of each school district shall adopt
15 and implement a policy, establish a mandatory training program for teachers,
16 administrative staff members, including athletic coaches, and students, and provide
17 notices to parents relating to dating violence and abuse in grades seven through 12.
18 The training program shall emphasize prevention and awareness.

19 (b) The policy, training, notices, and instruction shall include

20 (1) age-appropriate information;

21 (2) information explaining that "dating violence and abuse" means a
22 pattern of behavior in which one person threatens to use, or actually uses, physical,
23 sexual, verbal, emotional, or psychological abuse to control the person's dating
24 partner;

25 (3) the warning signs of dating violence and abusive behavior;

26 (4) characteristics of healthy relationships;

27 (5) measures to prevent and stop dating violence and abuse;

28 (6) community resources available to victims of dating violence and
29 abuse;

30 (7) a procedure allowing a student to be excused from participating in
31 training or from receiving notices under this section at the written request of a parent

1 or guardian of the student, or of the student if the student is emancipated or 18 years of
2 age or older.

3 (c) In this section,

4 (1) "school district" has the meaning given in AS 14.30.350;

5 (2) "teacher" has the meaning given in AS 14.20.350.

6 * **Sec. 6.** AS 14.30.370 is amended to read:

7 **Sec. 14.30.370. Evaluation.** Health education programs conducted under
8 AS 14.30.360 shall be evaluated by the department in the same manner as other
9 curriculum programs are evaluated, except that the evaluation shall also include
10 changes in the health status of the pupils as determined by physical and dental
11 examinations conducted under AS 14.30.070 [AND 14.30.120].

12 * **Sec. 7.** AS 47.05.310 is amended by adding a new subsection to read:

13 (j) An individual who possesses a valid teacher certificate issued under
14 AS 14.20.015 - 14.20.025 and applies to work at or operate a child care facility or
15 residential child care facility may request that a copy of the individual's criminal
16 justice information and national criminal history record check on file with the
17 Department of Education and Early Development be sent to the department to satisfy
18 the requirements of (d) and (e) of this section. In this subsection, "child care facility"
19 has the meaning given in AS 47.25.095, and "residential child care facility" has the
20 meaning given in AS 47.32.900.

21 * **Sec. 8.** AS 47.17.020(a) is amended to read:

22 (a) The following persons who, in the performance of their occupational or
23 volunteer duties, or with respect to (8) of this subsection, in the performance of their
24 appointed duties, have reasonable cause to suspect that a child has suffered harm as a
25 result of child abuse or neglect shall immediately report the harm to the nearest office
26 of the department:

27 (1) practitioners of the healing arts;

28 (2) school teachers and school administrative staff members, including
29 athletic coaches, of public and private schools;

30 (3) peace officers and officers of the Department of Corrections;

31 (4) administrative officers of institutions;

- 1 (5) child care providers;
- 2 (6) paid employees of domestic violence and sexual assault programs,
- 3 and crisis intervention and prevention programs as defined in AS 18.66.990;
- 4 (7) paid employees of an organization that provides counseling or
- 5 treatment to individuals seeking to control their use of drugs or alcohol;
- 6 (8) members of a child fatality review team established under
- 7 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created
- 8 under AS 47.14.300.

9 * Sec. 9. AS 47.17.020 is amended by adding a new subsection to read:

10 (j) This section does not require an athletic coach who is an unpaid volunteer
11 to report child abuse or neglect under (a)(2) of this section unless the coach

12 (1) volunteers for more than

13 (A) four hours a week for four consecutive weeks; or

14 (B) 20 hours a week in a one-month period;

15 (2) has received the training required under AS 47.17.022; and

16 (3) has signed a form acknowledging that the coach is required to
17 report child abuse or neglect under this section.

18 * Sec. 10. AS 47.17.290(1) is amended to read:

19 (1) "athletic coach" includes a paid or a volunteer leader or assistant
20 of a sports team in a public or private school, public or private postsecondary
21 institution, or sponsored by a state municipality, or other local government
22 organization, or a sports team that receives public funding;

23 * Sec. 11. AS 14.30.070(a) and 14.30.120 are repealed.