

HOUSE BILL NO. 105

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/8/23

Referred: Education, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to parental rights in a child's education; relating to access to school**
2 **records; relating to sex education, human reproduction education, and human sexuality**
3 **education; relating to school disciplinary and safety programs; and providing for an**
4 **effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 14.03.016(a) is amended to read:

7 (a) A local school board shall, in consultation with parents, teachers, and
8 school administrators, adopt policies to promote the involvement of parents in the
9 school district's education program. The policies must include procedures

10 (1) recognizing the authority of a parent and allowing a parent to
11 object to and withdraw the child from a standards-based assessment or test required by
12 the state;

13 (2) recognizing the authority of a parent and allowing a parent to
14 object to and withdraw the child from an activity, class, or program;

(3) requiring that, except as provided in AS 14.30.355 and 14.30.356, [PROVIDING FOR PARENT NOTIFICATION NOT LESS THAN TWO WEEKS] before any activity, class, or program that includes content involving gender identity, human reproduction, or sexual matters is provided to a child, the child's parent

(A) receive notification not less than two weeks before the activity, class, or program;

(B) provide written permission for the child to participate in the activity, class, or program;

(4) recognizing the authority of a parent and allowing a parent to withdraw the child from an activity, class, program, or standards-based assessment or test required by the state for a religious holiday, as defined by the parent;

(5) providing a parent with an opportunity to review the content of an activity, class, performance standard, or program;

(6) ensuring that, when a child is absent from an activity, class, program, or standards-based assessment or test required by the state under this section, the absence is not considered an unlawful absence under AS 14.30.020 if the child's parent withdrew the child from the activity, class, program, or standards-based assessment or test or gave permission for the child's absence;

(7) requiring written permission from a parent before the name or pronoun used by a public school to address or refer to the parent's child in person, on school identification, or in school records is changed;

(8) requiring that a parent be informed in writing of the right to pursue legal action against a school district if the parent's rights have been violated.

* Sec. 2. AS 14.03.016(d) is amended by adding a new paragraph to read:

(6) "gender identity" means an internal sense of being male, female, or something else, which may or may not correspond to an individual's sex assigned at birth or sex characteristics.

* Sec. 3. AS 14.03.016 is amended by adding new subsections to read:

(e) A parent may file a civil action against a school district for a violation of a

1 policy or procedure adopted under (a) of this section.

2 (f) A school district that knowingly or recklessly violates a policy or
3 procedure adopted under (a) of this section is liable to the parent in a civil action for a
4 civil penalty of not less than \$5,000 and may be liable for treble damages upon a
5 showing of a violation established by clear and convincing evidence. In this
6 subsection, "knowingly" and "recklessly" have the meanings given in AS 11.81.900.

7 * **Sec. 4.** AS 14.03.115 is amended to read:

8 **Sec. 14.03.115. Access to school records by parent, foster parent, or**
9 **guardian.** Upon request of a parent, foster parent, or guardian of a child under 18
10 years of age who is currently or was previously enrolled in a municipal school district
11 or a school district that is a regional educational attendance area, the school district
12 shall provide a copy of the child's record. **When responding to a request for**
13 **records, a school district or regional educational attendance area may not**
14 **selectively withhold information regarding a child's physical, medical, or mental**
15 **health from a parent, foster parent, or guardian unless a reasonably prudent**
16 **person would believe that disclosure of the information would result in child**
17 **abuse or neglect as defined under AS 47.17.290.** This section does not apply to

18 (1) a record of a child who is an emancipated minor; or

19 (2) record information that consists of the child's address if the school
20 district determines that the release of the child's address poses a threat to the health or
21 safety of the child.

22 * **Sec. 5.** AS 14.30.361 is amended by adding new subsections to read:

23 (e) A class or program involving sex education, human reproduction
24 education, or human sexuality education may not be taught unless parental notice and
25 permission is provided in accordance with AS 14.03.016(a)(3).

26 (f) A class or program involving sex education, human reproduction
27 education, or human sexuality education may not be attended by a child enrolled in a
28 grade below grade four, except as provided in AS 14.30.355.

29 * **Sec. 6.** AS 14.33.120(a) is amended to read:

30 (a) Each governing body shall adopt a written school disciplinary and safety
31 program. The program required under this subsection must be made available to

1 students, parents, legal guardians, and the public and include written

2 (1) standards for student behavior and safety that reflect community
3 standards and that include, at a minimum, basic requirements for respect and honesty;
4 standards required under this paragraph must be developed and periodically reviewed
5 with the collaboration of members of each school, parents, legal guardians, teachers,
6 and other persons responsible for the students at a school; a governing body may
7 require that standards developed under this paragraph be consistent for all schools in
8 an attendance area or the district;

9 (2) standards relating to when a teacher is authorized to remove a
10 student from the classroom for

11 (A) failure to follow student behavior and safety standards; or

12 (B) behavior described under AS 14.30.045(1) or (2);

13 (3) procedures for notifying teachers of dangerous students consistent
14 with AS 47.12.310(b);

15 (4) standards relating to when a teacher, teacher's assistant, or other
16 person responsible for students is authorized to use reasonable and appropriate force to
17 maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

18 (5) policies necessary to comply with provisions of state and federal
19 law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

20 (6) standards to address needs of students for whom mental health or
21 substance abuse may be a contributing factor to noncompliance with the school
22 disciplinary and safety program;

23 (7) policies for implementing a student conflict resolution strategy,
24 including the nonviolent resolution or mediation of conflicts and procedures for
25 reporting and resolving conflicts;

26 (8) procedures for periodic review and revision of the school
27 disciplinary and safety program;

28 (9) policies and procedures consistent with standards for use of
29 restraint and seclusion of students as described in AS 14.33.125;

30 **(10) procedures to address the physical safety and privacy of**
31 **students in locker rooms and restrooms through the separation of students by**

1 **biological sex, access to single occupant facilities, or other safety and privacy**
2 **protocols consistent with AS 14.18.040.**

3 * **Sec. 7.** AS 14.03.016(d)(2) is repealed.

4 * **Sec. 8.** This Act takes effect July 1, 2023.