

SENATE BILL NO. 171

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/2/18

Referred: Education, Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act renaming portions of the Alaska Safe Children's Act as Bree's Law; relating to**
2 **the practice of marital and family therapy; relating to persons required to report child**
3 **abuse and neglect; relating to training in crisis response; relating to civil immunity for**
4 **disclosure of substantiated allegations of sexual abuse of a minor or sexual misconduct**
5 **against a school district employee; and providing for an effective date."**

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

7 * **Section 1.** The uncodified law of the State of Alaska enacted in sec. 1, ch. 2, SSSLA
8 2015, is amended to read:

9 Section 1. SHORT TITLE. AS 14.30.355, enacted by sec. 14 [SECTION 14]
10 of this Act, may be known as the Alaska Safe Children's Act, and AS 14.30.356,
11 enacted by sec. 14 of this Act, shall be known as Bree's Law.

12 * **Sec. 2.** AS 08.63.050(a) is amended to read:

13 (a) The board shall

- (1) establish objective examination requirements and training and education requirements for persons who apply for a license to practice marital and family therapy;
 - (2) examine applicants and issue licenses to qualified applicants;
 - (3) establish continuing education requirements for license renewal;
 - (4) adopt a code of ethical practice for marital and family therapy;
 - (5) hold hearings and order the disciplinary sanction of a person who violates this chapter or a regulation of the board;
- (6) ensure that licensees are aware of the requirements of AS 47.17.020 **and of the required training under AS 47.17.021;**
- (7) establish standards for supervisors and supervision under this chapter;
- (8) enforce the provisions of this chapter and adopt regulations necessary to carry out its duties under this chapter.

* **Sec. 3.** AS 09.65.160 is amended by adding a new subsection to read:

(b) For purposes of this section, information disclosed about job performance of a current or former employee of a school district includes any disciplinary action or discharge, resignation, request for resignation, nonrenewal, termination, or other separation from employment that occurred after an allegation of sexual abuse of a minor or sexual misconduct had been substantiated through an administrative or judicial proceeding, including a plea of nolo contendere. In this subsection,

(1) "school district" means a borough school district, city school district, regional educational attendance area, or state boarding school;

(2) "sexual misconduct" includes behavior directed toward a child that may reasonably be interpreted as seductive, sexually suggestive, or designed to establish a romantic or sexual relationship with a child.

* **Sec. 4.** AS 14.08.111 is amended to read:

Sec. 14.08.111. Duties. A regional school board shall

(1) provide, during the school term of each year, an educational program for each school age child who is enrolled in or a resident of the district;

(2) develop a philosophy of education, principles, and goals for its

1 schools;

2 (3) approve the employment of the professional administrators,
3 teachers, and noncertificated personnel necessary to operate its schools;

4 (4) establish the salaries to be paid its employees;

5 (5) designate the employees authorized to direct disbursements from
6 the school funds of the board;

7 (6) submit the reports prescribed for all school districts;

8 (7) provide for an annual audit in accordance with AS 14.14.050;

9 (8) provide custodial services and routine maintenance of school
10 buildings and facilities;

11 (9) establish procedures for the review and selection of all textbooks
12 and instructional materials, including textbooks and curriculum materials for statewide
13 correspondence programs, before they are introduced into the school curriculum; the
14 review includes a review for violations of AS 14.18.060; nothing in this paragraph
15 precludes a correspondence study student, or the parent or guardian of a
16 correspondence study student, from privately obtaining or using textbooks or
17 curriculum material not provided by the school district;

18 (10) provide prospective employees with information relating to the
19 availability and cost of housing in rural areas to which they might be assigned, and,
20 when possible, assist them in locating housing; however, nothing in this paragraph
21 requires a regional school board to provide teacher housing, whether owned, leased, or
22 rented or otherwise provided by the regional educational attendance area, nor does it
23 require the board to engage in a subsidy program of any kind with respect to teacher
24 housing;

25 (11) train persons required to report under AS 47.17.020, in the
26 recognition and reporting of child abuse, neglect, and sexual abuse of a minor; and

27 (12) establish procedures for providing the training under
28 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,
29 [AS 14.33.100], AS 18.66.310, and AS 47.17.022; the procedures established under
30 this paragraph must include a training schedule that ensures that not less than 50
31 percent of the total certificated staff employed by the district receive all of the training

1 not less than every two years and that all of the certificated staff employed by the
2 district receive all of the training not less than every four years.

3 * **Sec. 5.** AS 14.14.090 is amended to read:

4 **Sec. 14.14.090. Duties of school boards.** In addition to other duties, a school
5 board shall

6 (1) determine and disburse the total amount to be made available for
7 compensation of all school employees and administrative officers;

8 (2) provide for, during the school term of each year, an educational
9 program for each school age child who is enrolled in or a resident of the district;

10 (3) withhold the salary for the last month of service of a teacher or
11 administrator until the teacher or administrator has submitted all summaries, statistics,
12 and reports that the school board may require by bylaws;

13 (4) transmit, when required by the assembly or council but not more
14 often than once a month, a summary report and statement of money expended;

15 (5) keep the minutes of meetings and a record of all proceedings of the
16 school board in a pertinent form;

17 (6) keep the records and files of the school board open to inspection by
18 the public at the principal administrative office of the district during reasonable
19 business hours;

20 (7) establish procedures for the review and selection of all textbooks
21 and instructional materials, including textbooks and curriculum materials for statewide
22 correspondence programs, before they are introduced into the school curriculum; the
23 review includes a review for violations of AS 14.18.060; nothing in this paragraph
24 precludes a correspondence study student, or the parent or guardian of a
25 correspondence study student, from privately obtaining or using textbooks or
26 curriculum material not provided by the school district;

27 (8) provide prospective employees with information relating to the
28 availability and cost of housing in rural areas to which they might be assigned, and,
29 when possible, assist them in locating housing; however, nothing in this paragraph
30 requires a school district to provide teacher housing, whether district owned, leased,
31 rented, or through other means, nor does it require a school board to engage in a

1 subsidy program of any kind regarding teacher housing;

2 (9) train persons required to report under AS 47.17.020, in the
3 recognition and reporting of child abuse, neglect, and sexual abuse of a minor;

4 (10) provide for the development and implementation of a preventive
5 maintenance program for school facilities; in this paragraph, "preventive maintenance"
6 means scheduled maintenance actions that prevent the premature failure or extend the
7 useful life of a facility, or a facility's systems and components, and that are cost-
8 effective on a life-cycle basis;

9 (11) establish procedures for providing the training under
10 AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362,
11 [AS 14.33.100,] AS 18.66.310, and AS 47.17.022; the procedures established under
12 this paragraph must include a training schedule that ensures that not less than 50
13 percent of the total certificated staff employed by the district receives all of the
14 training not less than every two years and that all of the certificated staff employed by
15 the district receive all of the training not less than every four years.

16 * **Sec. 6.** AS 14.16.020 is amended to read:

17 **Sec. 14.16.020. Operation of state boarding schools.** In the management of
18 state boarding schools, the board shall

19 (1) adopt a philosophy of education for state boarding schools;

20 (2) approve the employment of personnel necessary to operate state
21 boarding schools;

22 (3) establish the salaries and benefits to be paid teachers, excluding
23 administrators;

24 (4) designate the employees authorized to direct disbursements from
25 the money appropriated for the operation of state boarding schools and for the
26 construction of facilities;

27 (5) provide custodial services and routine maintenance of physical
28 facilities;

29 (6) establish procedures for the development and implementation of
30 curriculum and the selection and use of textbooks and instructional materials;

31 (7) prescribe health evaluation and placement screening programs for

newly admitted students;

(8) establish procedures for staff evaluation; and

(9) establish procedures for providing the training under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.30.355, 14.30.356, 14.30.362, [AS 14.33.100,] AS 18.66.310, and AS 47.17.022; the procedures established under this paragraph must include a training schedule that ensures that not less than 50 percent of the total certificated staff employed by the district receive all of the training not less than every two years and that all of the certificated staff employed by the district receive all of the training not less than every four years.

* **Sec. 7.** AS 14.30.355(b) is amended to read:

(b) The policy, training, and notices adopted 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; for teachers and parents, the methods must include ways to identify any sign of sexual abuse in a child and ways to identify verbal, nonverbal, written, or electronic communication or physical activity directed by any adult toward or with a child that is designed to establish a romantic or sexual relationship with the child;

(6) actions that a child may take to prevent and report sexual abuse or sexual assault; and

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

* **Sec. 8.** AS 14.33.100(d) is amended to read:

(d) Each district shall **annually** provide to each district employee training in crisis response, including evacuation and lockdown drills. [NEW DISTRICT EMPLOYEES WHO HAVE NOT PREVIOUSLY RECEIVED THE TRAINING

1 REQUIRED UNDER THIS SUBSECTION SHALL RECEIVE THE REQUIRED
2 TRAINING WITHIN TWO YEARS AFTER THE FIRST DAY OF EMPLOYMENT
3 AND, THEREAFTER, ACCORDING TO THE SCHEDULE ADOPTED BY THE
4 GOVERNING BODY OF A SCHOOL DISTRICT.]

5 * **Sec. 9.** AS 47.17 is amended by adding a new subsection to read:

6 **Sec. 47.17.021. Training for persons required to report abuse or neglect of**
7 **a child other than persons employed by the state or a school district.** (a) A person
8 who is required to report abuse or neglect of children under this chapter and is not
9 employed by the state or a school district shall receive training under this section on
10 the recognition and reporting of child abuse and neglect.

11 (b) The department shall make available on the department's Internet website,
12 at no cost to a person, an online training curriculum that is available to the public. The
13 training curriculum must inform a person who completes the training with

14 (1) laws relating to child abuse and neglect;
15 (2) methods for recognition and detection of child abuse and neglect;
16 (3) agencies and organizations within the state that offer aid or shelter
17 to victims and the families of victims of child abuse or neglect;
18 (4) procedures for required notification of suspected abuse or neglect;
19 (5) the role of a person required to report child abuse or neglect; and
20 (6) a brief description of the manner in which cases of child abuse or
21 neglect are investigated by the department and law enforcement agencies after a report
22 of suspected abuse or neglect.

23 (c) The training made available under this section must allow a person to enter
24 the person's name and the date that the person completed the training in a database to
25 be maintained by the department. The training must also allow the participant to
26 request a certificate of completion, either through electronic verification or through the
27 ability to print a certificate of completion.

28 (d) The Department of Commerce, Community, and Economic Development
29 shall annually inform persons licensed under AS 08 and that are required to report
30 abuse or neglect of children under this chapter with the training made available by the
31 department. The Department of Commerce, Community, and Economic Development

1 may satisfy the requirements of the annual notice required by this section by posting
 2 information on the Alaska Online Public Notice System and on the Department of
 3 Commerce, Community, and Economic Development's Internet website. A person
 4 who is licensed under AS 08 and who is required to report abuse or neglect of children
 5 under this chapter may substitute continuing professional education credits required by
 6 that person's professional licensing board or training provided by that person's
 7 employer as a substitute for the training offered by the department under this section if
 8 the professional education or the training provided by the person's employer is of at
 9 least the same quality of that offered by the department under this section. A
 10 professional education program or training offered by an employer may be considered
 11 of the same quality of the training offered by the department under this section if the
 12 requirements in (b)(1) - (4) of this section are met.

13 (e) The department shall annually inform persons required to report abuse or
 14 neglect of children under this chapter who are licensed under AS 47 as a child care
 15 provider with the training made available by the department by posting information on
 16 how to access the training required by this section on the Alaska Online Public Notice
 17 System and on the department's Internet website.

18 * **Sec. 10.** AS 47.17.022(e) is amended to read:

19 (e) Each school district that provides training under this section shall provide
 20 notice to public and private schools located in the school district of the availability of
 21 the training and require [INVITE] volunteers who are required to report abuse or
 22 neglect of children under AS 47.17.020 to participate in the training at no cost to the
 23 volunteer.

24 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
 25 read:

26 BREE'S LAW PROGRAMS AND BREE'S LAW ACTIVITIES. Education, training
 27 programs, and activities developed or undertaken by school districts to implement
 28 AS 14.30.356 shall be known as Bree's Law programs and Bree's Law activities.

29 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the catch

1 line of AS 47.17.022 from "Training" to "Training for persons who are employed by the state
2 or a school district and required to report abuse or neglect of children."

3 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 RETROACTIVITY. Sections 1 and 11 of this Act are retroactive to June 30, 2017.

6 * **Sec. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

7 * **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect January 1, 2019.