

SENATE BILL NO. 43

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS GRAY-JACKSON, Tobin, Dunbar

Introduced: 1/18/23

Referred: Education, Health & Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to health and personal safety education; and providing for an effective**
2 **date."**

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

4 *** Section 1.** AS 14.03.120(d) is amended to read:

5 (d) Annually, before the date set by the district under (e) of this section, each
6 public school shall deliver to the department for posting on the department's Internet
7 website and provide, in a public meeting of parents, students, and community
8 members, a report on the school's performance and the performance of the school's
9 students. The report shall be prepared on a form prescribed by the department and
10 must include

- 11 (1) information on accreditation;
12 (2) results of norm-referenced achievement tests;
13 (3) results of state standards-based assessments in language arts and
14 mathematics;

1 (4) a description, including quantitative and qualitative measures, of
2 student, parent, community, and business involvement in student learning;

3 (5) a description of the school's attendance, retention, dropout, and
4 graduation rates as specified by the state board;

5 (6) the annual percent of enrollment change, regardless of reason, and
6 the annual percent of enrollment change due to student transfers into and out of the
7 school district;

8 (7) if Native language education is provided, a summary and
9 evaluation of the curriculum described in AS 14.30.420;

10 (8) the performance designation assigned the school under
11 AS 14.03.123 and the methodology used to assign the performance designation,
12 including the measures used and their relative weights;

13 (9) other information concerning school performance and the
14 performance of the school's students as required by the state board in regulation;
15 [AND]

16 (10) information on the number, attendance, and performance of
17 students enrolled in the school whose parents or guardians are on active duty in the
18 armed forces of the United States, the United States Coast Guard, the Alaska National
19 Guard, the Alaska Naval Militia, or the Alaska State Defense Force; **and**

20 **(11) a summary and evaluation of the curriculum used by the**
21 **school for the health and personal safety education program required under**
22 **AS 14.30.360(a), including**

23 **(A) the number of students in the school participating in**
24 **the program;**

25 **(B) the frequency with which the school teaches the**
26 **program; and**

27 **(C) the grades in which the program is taught.**

28 * **Sec. 2.** AS 14.16.050(a) is amended to read:

29 (a) The following provisions apply with respect to the operation and
30 management of a state boarding school as if it were a school district:

31 (1) requirements relating to school district operations:

1 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in
2 session, and school holidays);

3 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions
4 applicable to school district operations);

5 (C) regulations adopted by the board under authority of
6 AS 14.07.020(a) that are applicable to school districts and their schools, unless
7 the board specifically exempts state boarding schools from compliance with a
8 regulation;

9 (D) AS 14.12.150 (authorizing school districts to establish and
10 participate in the services of a regional resource center);

11 (E) AS 14.14.050 (imposing the requirement of an annual
12 audit);

13 (F) AS 14.14.110 (authorizing cooperation with other school
14 districts);

15 (G) AS 14.14.140(b) (establishing a prohibition on
16 employment of a relative of the chief school administrator);

17 (H) AS 14.18 (prohibiting discrimination based on sex in
18 public education);

19 (2) requirements relating to the public school funding program and the
20 receipt and expenditure of that funding:

21 (A) AS 14.17.500 (relating to student count estimates);

22 (B) AS 14.17.505 (relating to school operating fund balances);

23 (C) AS 14.17.500 - 14.17.910 (setting out the procedure for
24 payment of public school funding and imposing general requirements and
25 limits on money paid);

26 (3) requirements relating to teacher employment and retirement:

27 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);

28 (B) AS 14.20.095 - 14.20.215 (relating to the employment and
29 tenure of teachers);

30 (C) AS 14.20.220 (relating to the salaries of teachers
31 employed);

1 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave
2 provisions for teachers);

3 (E) AS 23.40.070 - 23.40.260 (authorizing collective
4 bargaining by certificated employees), except with regard to teachers who are
5 administrators and except that the board may delegate some or all of its
6 responsibilities under those statutes;

7 (F) AS 14.25 (provisions regarding the teachers' retirement
8 system);

9 (4) requirements relating to students and educational programs:

10 (A) AS 14.30.180 - 14.30.350 (relating to educational services
11 for children with disabilities);

12 (B) AS 14.30.360 - 14.30.370 (establishing health **and**
13 **personal safety** education program standards);

14 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and
15 bicultural education).

16 * **Sec. 3.** AS 14.30.360 is amended to read:

17 **Sec. 14.30.360. Health and personal safety education curriculum; physical**
18 **activity guidelines.** (a) Each district in the state public school system shall **provide**
19 [BE ENCOURAGED TO INITIATE AND CONDUCT] a program in health **and**
20 **personal safety** education for kindergarten through grade 12. The program **must**
21 [SHOULD] include instruction in physical health and personal safety, including
22 alcohol and drug abuse education, cardiopulmonary resuscitation (CPR), early cancer
23 prevention and detection, dental health, family health including infant care,
24 environmental health, the identification and prevention of child abuse, child abduction,
25 neglect, sexual abuse, and domestic violence, [AND] appropriate use of health
26 services, **and sexual health**.

27 (b) The state board shall establish guidelines for **the** [A] health and personal
28 safety education program **required under (a) of this section**. Personal safety
29 guidelines shall be developed in consultation with the Council on Domestic Violence
30 and Sexual Assault. Upon request, the Department of Education and Early
31 Development, the Department of Health, and the Council on Domestic Violence and

1 Sexual Assault shall provide technical assistance to school districts in the development
 2 of personal safety curricula. A school health education specialist position shall be
 3 established and funded in the department to coordinate the program statewide.
 4 Adequate funds to enable curriculum and resource development, adequate consultation
 5 to school districts, and a program of teacher training in health and personal safety
 6 education shall be provided.

7 (c) In addition to the health **and personal safety** education program **required**
 8 [ENCOURAGED] under (a) of this section, a school district shall establish guidelines
 9 for schools in the district to provide opportunities during each full school day for
 10 students in grades kindergarten through eight for a minimum of 90 percent of the daily
 11 amount of physical activity recommended for children and adolescents in the physical
 12 activity guidelines by the Centers for Disease Control and Prevention, United States
 13 Department of Health and Human Services. The time provided for physical activity
 14 under this subsection may include physical education classes and opportunities for
 15 unstructured physical activity, such as recess. A school district shall adopt guidelines
 16 under this subsection that

17 (1) allow a student to be excused from the physical activity
 18 opportunities if the student is unable to participate for a medical reason; and

19 (2) provide an exemption from the physical activity opportunities
 20 under this subsection for health and safety reasons, such as inclement weather.

21 (d) In this section,

22 (1) "district" has the meaning given in AS 14.17.990;

23 (2) **"medically and scientifically accurate information" means**
 24 **information that is verified or supported by the weight of research in compliance**
 25 **with accepted scientific methods, that is published in peer-reviewed journals,**
 26 **where appropriate, and that is recognized as accurate and objective by**
 27 **professional organizations and agencies with expertise in the field of sexual**
 28 **health, including the American College of Obstetricians and Gynecologists, the**
 29 **American Academy of Pediatrics, and the United States Centers for Disease**
 30 **Control and Prevention;**

31 (3) **"voluntary consent" means conscious and voluntary**

1 **affirmative agreement to engage in sexual activity.**

2 * **Sec. 4.** AS 14.30.360 is amended by adding a new subsection to read:

3 (e) The health and personal safety education program required under (a) of
4 this section must include comprehensive sexual health education based on a
5 curriculum that

6 (1) instructs students on human development, sexuality, and
7 reproduction, including instruction on abstinence, anatomy and physiology, consent,
8 contraception, healthy relationships, and the prevention of pregnancy and sexually
9 transmitted diseases;

10 (2) is appropriate to a student's age and development;

11 (3) teaches medically and scientifically accurate information informed
12 by scientific research and effective practices;

13 (4) is consistent with the Future of Sex Education Initiative 2011
14 National Sexuality Education Standards: Core Content and Skills, K-12;

15 (5) teaches students abstinence as the most effective means of avoiding
16 sexually transmitted diseases and unintended pregnancy, but that also includes
17 materials and instruction on other forms of contraceptives and disease prevention;

18 (6) is inclusive of all students, regardless of gender, gender identity,
19 race, disability status, religion, or sexual orientation; and

20 (7) emphasizes that voluntary consent is required before sexual
21 activity.

22 * **Sec. 5.** AS 14.30.361 is repealed.

23 * **Sec. 6.** This Act takes effect June 30, 2024.