



## HB 105 – Sex/Reproduction Education; Schools

### Sectional Analysis

“An Act relating to parental rights in a child's education; relating to access to school records; relating to sex education, human reproduction education, and human sexuality education; relating to school disciplinary and safety programs; and providing for an effective date.”

#### **Section 1:**

Amends AS 14.03.016, *A parent's right to direct the education of the parent's child*, (a)(3) by adding to the list of parental rights regarding student's participation in activities and classes that include content involving gender. This subsection also adds an “opt-in” provision stating that parents need to provide written permission for their student(s) to participate in the activity or class. Additional language is added under (a)(7) that a parent must provide written permission before a name or pronoun may be changed in student records and under (a)(8) that parents must also be notified in writing of legal remedies available to them.

#### **Section 2:**

Amends AS 14.03.016(d) by adding the definition of “gender identity” as the internal sense of being either male, female, or something else, which may or may not correspond with an individual's biological sex.

#### **Section 3:**

Amends AS 14.03.016 by adding two new subsections.

Subsection (e) states that a parent may file civil action against a school district who violates a policy or procedure adopted under (a) of this section (Section 1 of this bill).

Subsection (f) states that a school district that knowingly or recklessly violates a policy or procedure under (a) of this section (Section 1 of this bill) is liable for not less than \$5,000 in civil penalties and may be liable for treble damages upon a showing of a violation established by clear and convincing evidence.

#### **Section 4:**

Amends AS 14.03.115, *Access to school records by parent, foster parent, or guardian*, by adding language that prohibits school districts or regional educational attendance areas from selectively withholding information regarding a child's physical, medical, or mental health from a parent, foster parent, or guardian unless the information may result in child abuse or neglect.

**Section 5:**

Amends AS 14.30.361, *Sex education, human reproductive education, and human sexuality education*, by adding two new subsections.

Subsection (e) states that a class or program involving sex education, human reproduction education, and human sexuality education requires parental notice and permission.

Subsection (f) states that these topics may not be attended by a child before grade four (4) except as provided by AS 14.30.355, *Sexual abuse and sexual assault awareness and prevention*.

**Section 6:**

Amends AS 14.33.120, *A parent's right to direct the education of the parent's child*, (a) adding to the list of procedures required by school districts and regional educational attendance areas on addressing the physical safety and privacy of students in locker rooms and restrooms. The separation of students by biological sex, access to single occupant facilities, or other safety and privacy protocols is required.

**Section 7:**

Repeals AS 14.03.016, *A parent's right to direct the education of the parent's child*, subsection (d)(2), which further defines "human reproduction or sexual matters" to not include sexual assault awareness and prevention training required under AS 14.30.355, *Sexual abuse and sexual assault awareness and prevention*, nor dating violence and abuse awareness and prevention training required under AS 14.30.356, *Teen dating violence and abuse awareness and prevention program*.

**Section 8:**

This bill is effective on July 1, 2023.