

CS FOR HOUSE BILL NO. 70(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/21/99

Referred: Rules

Sponsor(s): REPRESENTATIVE DYSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to tests, treatments, surveys, analyses, or evaluations administered
2 in public schools."

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

4 * **Section 1.** AS 14.03.110 is repealed and reenacted to read:

5 **Sec. 14.03.110. Obtaining information from students in public schools.** (a)

6 A school district or school district employee may not, without the prior written consent
7 of the student's parent or guardian, administer to a student or permit the administration
8 to a student of a psychological or psychiatric examination, test, or treatment, or a
9 survey, analysis, or evaluation in which the purpose or evident intended effect is to
10 cause the student to reveal information, whether the information is personally
11 identifiable or not, concerning the student's or any family member's

- 12 (1) political affiliation or political philosophy;
13 (2) mental or psychological problems;
14 (3) sexual behavior, orientation, or attitudes;

- 1 (4) illegal, antisocial, self-incriminating, or demeaning behavior;
2 (5) critical appraisal of individuals with whom the student or family
3 member has close family relationships;
4 (6) religious affiliation or beliefs;
5 (7) legally recognized privileged relationships and analogous
6 relationships, including those with lawyers, medical personnel, or ministers; and
7 (8) income, except as required by law.

8 (b) The prohibitions set out in (a) of this section also apply within the
9 curriculum and in other school activities unless prior written consent of the student's
10 parent or legal guardian has been obtained.

11 (c) Written consent required under (a) of this section is valid only if a parent
12 or legal guardian has been first given written notice and a reasonable opportunity to
13 obtain written information concerning

- 14 (1) records or information, including information about relationships,
15 that may be examined or requested;
16 (2) the means by which the records or information may be examined
17 or reviewed;
18 (3) the means by which the information is to be obtained;
19 (4) the purposes for which the records or information are needed;
20 (5) the entities or persons, regardless of affiliation, who will have
21 access to personally identifiable information; and
22 (6) a method by which a parent or guardian of a student can grant
23 permission to another person to obtain or examine personally identifiable information.

24 (d) Except in response to a situation that a school employee reasonably
25 believes to be an emergency, or as ordered by a court, disclosure to a parent or legal
26 guardian required under (c) of this section must be given at least two weeks before
27 information protected under this section is sought. After disclosure as required under
28 this subsection, a parent or guardian may waive the two week minimum notification
29 period imposed under this subsection.

30 (e) Written consent required under (a) of this section is valid until the
31 commencement of the subsequent school year or until one of the following occurs:

1 (1) the child completes or withdraws from the course, activity, or
2 program for which the parent consent was granted; or

3 (2) a written withdrawal of authorization is submitted to the school
4 principal by the authorizing parent or guardian.

5 (f) A general consent form used to approve admission to school or a student's
6 involvement in special education, remedial education, or a school activity does not
7 constitute written consent required under (a) of this section.

8 (g) This section does not limit the ability of a student to spontaneously express
9 sentiments or opinions otherwise protected against disclosure under this section.

10 (h) Unless the matter must be reported to the Department of Health and Social
11 Services under AS 47.17.020 or the records or information were received in the course
12 of an investigation by the department under AS 47.17.027, a school employee or agent
13 who receives records or information under this section and who believes that a
14 situation exists that presents a serious threat to the well-being of a student shall notify
15 the student's parent or guardian without delay.