

CS FOR SENATE BILL NO. 89(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/15/15

Referred: Rules

Sponsor(s): SENATORS DUNLEAVY, Giessel, Huggins, Stoltze, Kelly, MacKinnon, Coghil, Meyer

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a parent's right to direct the education of a child; relating to
2 questionnaires administered in a public school; prohibiting a school district from
3 contracting with an abortion services provider; prohibiting a school district from
4 allowing an abortion services provider to furnish course materials or provide instruction
5 concerning sexuality or sexually transmitted diseases; relating to physical examinations
6 for students; relating to physical examinations for teachers; and relating to national
7 criminal history record check requirements for employees of child care facilities and
8 residential child care facilities."

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

10 * **Section 1.** AS 14.03 is amended by adding a new section to read:

11 **Sec. 14.03.016. A parent's right to direct the education of the parent's**
12 **child.** (a) A local school board shall, in consultation with parents, teachers, and school

1 administrators, adopt policies to promote the involvement of parents in the school
2 district's education program. The policies must include procedures

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

6 (2) recognizing the authority of a parent and allowing a parent to
7 object to and withdraw the child from an activity, class, or program because of
8 concern regarding

9 (A) content involving human reproduction or sexual matters;

10 (B) inquiries into personal or private family affairs of the
11 student or family that are not a matter of public record or subject to public
12 observation;

13 (3) providing for parent notification not less than two weeks, but not
14 more than six weeks, before any activity, class, or program that includes content
15 involving human reproduction or sexual matters is provided to a child and requiring
16 written permission from the child's parent before the child may participate in the
17 activity, class, or program;

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

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

23 (6) ensuring that, when a child is absent from an activity, class,
24 program, or standards-based assessment or test required by the state under this section,
25 the absence is not considered an unlawful absence under AS 14.30.020.

26 (b) The policies adopted under (a)(1), (2), and (4) - (6) of this section may not
27 allow a parent categorically to object or withdraw a child from all activities, classes,
28 programs, or standards-based assessments or tests required by the state. The policies
29 must require a parent to object each time the parent wishes to withdraw the child from
30 an activity, class, program, or standards-based assessment or test required by the state.
31 The policies adopted under (a)(3) of this section must require written permission from

1 the child's parent before each separate activity, class, or program is provided to a child
2 that includes content involving human reproduction or sexual matters.

3 (c) In this section,

4 (1) "child" means an unemancipated minor under 18 years of age;

5 (2) "local school board" has the meaning given in AS 14.03.290;

6 (3) "parent" means the natural or adoptive parent of a child or a child's
7 legal guardian;

8 (4) "school district" has the meaning given in AS 14.30.350.

9 * **Sec. 2.** AS 14.03.083 is amended by adding a new subsection to read:

10 (e) A school district and an educational services organization that has a
11 contract with a school district may not contract with an abortion services provider.

12 * **Sec. 3.** AS 14.03.110(a) is amended to read:

13 (a) A school district, principal or other person in charge of a public school, or
14 teacher in a public school may not administer or permit to be administered in a school
15 a questionnaire or survey, whether anonymous or not [, THAT INQUIRES INTO
16 PERSONAL OR PRIVATE FAMILY AFFAIRS OF THE STUDENT NOT A
17 MATTER OF PUBLIC RECORD OR SUBJECT TO PUBLIC OBSERVATION]
18 unless written permission is obtained from the student's parent or legal guardian.

19 * **Sec. 4.** AS 14.03.110(d) is amended to read:

20 (d) The school shall give a student's parent or guardian an opportunity to
21 review the questionnaire or survey described under (b) or (c) of this section and shall
22 give the parent or guardian written notice regarding

23 (1) how the questionnaire or survey will be administered to the
24 student;

25 (2) how the results of the survey or questionnaire will be used; and

26 (3) who will have access to the questionnaire, [OR] survey, or results.

27 * **Sec. 5.** AS 14.30.070(b) is amended to read:

28 (b) The Department of Health and Social Services may require the district to
29 conduct [ADDITIONAL] physical examinations that it considers necessary, and may
30 reimburse the district for the [ADDITIONAL] examinations on the basis and to the
31 extent the commissioner of health and social services prescribes by regulation.

1 * **Sec. 6.** AS 14.30 is amended by adding a new section to read:

2 **Sec. 14.30.075. Physical examinations for teachers.** (a) A school district may
3 require physical examinations of teachers as a condition of employment. A school
4 district may not pay the cost of physical examinations for teachers. This section does
5 not affect the coverage of any health insurance benefits that a school district provides
6 to teachers.

7 (b) In this section, "school district" has the meaning given in AS 14.30.350.

8 * **Sec. 7.** AS 14.30.360 is amended by adding a new subsection to read:

9 (c) A school district may not permit an abortion services provider or an
10 employee or volunteer of an abortion services provider to offer, sponsor, furnish
11 course materials, or provide instruction relating to human sexuality or sexually
12 transmitted diseases.

13 * **Sec. 8.** AS 14.30.370 is amended to read:

14 **Sec. 14.30.370. Evaluation.** Health education programs conducted under
15 AS 14.30.360 shall be evaluated by the department in the same manner as other
16 curriculum programs are evaluated, except that the evaluation shall also include
17 changes in the health status of the pupils as determined by physical and dental
18 examinations conducted under AS 14.30.070 [AND 14.30.120].

19 * **Sec. 9.** AS 47.05.310 is amended by adding a new subsection to read:

20 (j) An individual who possesses a valid teacher certificate issued under
21 AS 14.20.015 - 14.20.025 and applies to work at or operate a child care facility or
22 residential child care facility may request that a copy of the individual's criminal
23 justice information and national criminal history record check on file with the
24 Department of Education and Early Development be sent to the department to satisfy
25 the requirements of (d) and (e) of this section. In this subsection, "child care facility"
26 has the meaning given in AS 47.25.095, and "residential child care facility" has the
27 meaning given in AS 47.32.900.

28 * **Sec. 10.** AS 14.30.070(a) and 14.30.120 are repealed.