

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

March 14, 2016

8:01 a.m.

**MEMBERS PRESENT**

Representative Wes Keller, Chair  
Representative Jim Colver  
Representative Paul Seaton  
Representative David Talerico  
Representative Harriet Drummond  
Representative Ivy Spohnholz

**MEMBERS ABSENT**

Representative Liz Vazquez, Vice Chair

**COMMITTEE CALENDAR**

CS FOR SENATE BILL NO. 89(RLS) AM(EFD ADD)

"An Act relating to a parent's right to direct the education of a child; prohibiting a school district from contracting with an abortion services provider; prohibiting a school district from allowing an abortion services provider to furnish course materials or provide instruction concerning sexuality or sexually transmitted diseases; relating to physical examinations for teachers; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 156

"An Act relating to compliance with federal education laws; relating to public school accountability; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 89

SHORT TITLE: SCHOOLS: PARENT RTS; ABORT. PROVDRS LIMITS

SPONSOR(s): SENATOR(s) DUNLEAVY

03/25/15	(S)	READ THE FIRST TIME - REFERRALS
03/25/15	(S)	EDC, STA
03/31/15	(S)	EDC AT 3:30 PM BUTROVICH 205

03/31/15	(S)	Scheduled but Not Heard
04/02/15	(S)	EDC AT 3:30 PM BUTROVICH 205
04/02/15	(S)	Heard & Held
04/02/15	(S)	MINUTE (EDC)
04/07/15	(S)	EDC AT 3:30 PM BUTROVICH 205
04/07/15	(S)	Heard & Held
04/07/15	(S)	MINUTE (EDC)
04/09/15	(S)	STA AT 9:00 AM BUTROVICH 205
04/09/15	(S)	<Pending Referral>
04/09/15	(S)	EDC AT 3:30 PM BUTROVICH 205
04/09/15	(S)	Moved CSSB 89(EDC) Out of Committee
04/09/15	(S)	MINUTE (EDC)
04/10/15	(S)	EDC RPT CS 3DP 1DNP NEW TITLE
04/10/15	(S)	DP: DUNLEAVY, GIESSEL, HUGGINS
04/10/15	(S)	DNP: GARDNER
04/14/15	(S)	STA AT 8:00 AM BUTROVICH 205
04/14/15	(S)	Heard & Held
04/14/15	(S)	MINUTE (STA)
04/15/15	(S)	STA RPT CS 3DP 1AM NEW TITLE
04/15/15	(S)	DP: STOLTZE, COGHILL, HUGGINS
04/15/15	(S)	AM: WIELECHOWSKI
04/15/15	(S)	STA AT 8:00 AM BUTROVICH 205
04/15/15	(S)	Moved CSSB 89(STA) Out of Committee
04/15/15	(S)	MINUTE (STA)
02/24/16	(S)	RLS RPT CS 4DP 1DNP NEW TITLE
02/24/16	(S)	DP: HUGGINS, COGHILL, KELLY, MEYER
02/24/16	(S)	DNP: GARDNER
02/24/16	(S)	BILL REPRINTED 2/24/16
02/24/16	(S)	RLS AT 8:00 AM BUTROVICH 205
02/24/16	(S)	Moved CSSB 89(RLS) Out of Committee
02/24/16	(S)	MINUTE (RLS)
02/29/16	(S)	TRANSMITTED TO (H)
02/29/16	(S)	VERSION: CSSB 89(RLS) AM(EFD ADD)
03/04/16	(H)	READ THE FIRST TIME - REFERRALS
03/04/16	(H)	EDC, JUD
03/14/16	(H)	EDC AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

CHRISTA MCDONALD, Staff  
 Senator Mike Dunleavy

**POSITION STATEMENT:** Introduced SB 89 on behalf of Senator Dunleavy, prime sponsor.

ANNA MERIDETH, Manager  
 Youth Health and Education Program  
 Kachemak Bay Family Planning

Homer, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

MARY LOU KELSEY, Certified Nurse (CN)

Midwife

Homer Medical Center

Homer, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

KATE FINN, Registered Nurse (RN)

Nurse Practitioner (NP)

Midwife

Homer, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

ALYSON CURREY, Representative

Planned Parenthood Votes

Juneau, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

MELISSA ENGLE, Reverend

Douglas Community and United Methodist Church

Juneau Youth Ministry Cooperative

Juneau, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

ALICIA NORDAN, Student

University of Alaska Southeast (UAS)

Juneau, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

TAYLOR MORGAN

Fairbanks, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

SAMANTHA SAVAGE, Student

Fairbanks, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

MARJORIE RICHARDS, Registered Nurse (RN)

Board Member

Resource Center for Parents and Children

Fairbanks, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

BUTCH MOORE

Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

CINDY MOORE  
Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

ERIC GLATT, Attorney  
American Civil Liberties Union (ACLU) of Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

CATHY GIRARD  
Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

ELIJAH VERHAGEN  
Nenana, Alaska

**POSITION STATEMENT:** Testified in support of SB 89.

SCOTT NORD  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 89.

DAVID LUNTZ  
Delta Junction

**POSITION STATEMENT:** Testified with opposition to SB 89.

TOM LAKOSH  
Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

HENRY SCHILDBACH, Student  
Highland Tech Charter School  
Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

JOSEPH LEWIS, Student  
Eagle River High School  
Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

GARY SNYDER, Teacher  
Anchorage School District (ASD)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

JAMES PRIMM

Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

AURORA HOEFFERLE

Dillingham, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

NITHYA THIRU

Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

KAREN WARNER

Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

ROBIN SMITH

Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

VINCENZA MARRARI

Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

CAROLYN CLIFT, Teacher

Anchorage, Alaska

**POSITION STATEMENT:** Testified with opposition to SB 89.

#### **ACTION NARRATIVE**

[8:01:29 AM](#)

**CHAIR WES KELLER** called the House Education Standing Committee meeting to order at 8:01 a.m. Representatives Keller, Seaton, Drummond, Talerico, Spohnholz, and Colver were present at the call to order.

**SB 89-SCHOOLS: PARENT RTS; ABORT. PROVDRS LIMITS**  
**[Contains discussion of SB 191]**

[8:02:12 AM](#)

CHAIR KELLER announced that the first order of business would be SENATE BILL NO. 89 "An Act relating to a parent's right to direct the education of a child; and relating to questionnaires administered in schools."

8:03:03 AM

CHRISTA MCDONALD, Staff, presented CSSB 89(RLS) am(efd add), paraphrasing from the sponsor statement, which read [original punctuation provided]:

The purpose of CSSB 89 Parental Rights in Education, is to codify in state statute the inherent rights of parents to direct the upbringing and education of their children. As parents are the ultimate authority regarding their children, this bill requires local school boards to adopt policies which promote the involvement of parents. A child's parents (be they biological or not) are, in most cases, best suited to understand what is in their child's best interest. It may seem unnecessary that this would need to be re-stated in law. However, too often we see parents pitted against government in decisions regarding children's education and upbringing. I am thus sponsoring this bill to re-balance that relationship. I feel it essential to ensure that our educational system acknowledges the essential rights of parents, and that schools adopt policies to encourage parental involvement. These policies must accommodate the following:

Parents will be given the chance to review content of any activity, class, performance standard, or program

Parents can object to and withdraw children from any standards-based assessment or test required by the state, and the absence cannot be counted as unlawful

If parents have a concern about any activity, class or program that covers human reproduction or sexual matters, or which inquiries into personal or private family affairs, they can object and keep their child out of that particular activity, and the absence cannot be counted as unlawful

Parents will be allowed to withdraw children for religious holidays, and the absence cannot be counted as unlawful

Parents must provide written permission before children may attend each human reproduction or sex education instruction or presentation

Existing law requires parents to provide written permission before students take part in certain questionnaires and surveys administered by schools. This bill extends that requirement to all questionnaires and surveys administered by schools. As the stewards of their children, parents must be guaranteed the right to make the decisions they feel are best for their children's education. I request your support for CSSB 89.

MS. MCDONALD paraphrased from the sectional analysis, which read [original punctuation provided]:

Section 1. Requires local school boards to adopt policies allowing parents to withdraw their children from any activity, class, program, or standards-based assessment required by the state to which the parent objects. Requires written permission from parents before activities, classes, or programs on human reproduction or sexual matters are provided to a child.

Section 2. Clarifies that "human reproduction or sexual matters" does not include curricula or materials for sexual abuse and sexual assault awareness training required under AS 14.30.355 or dating violence and abuse awareness and prevention training as required under AS 14.30.356.

Section 3. Prohibits a school district from contracting with an abortion services provider.

Section 4. Prohibits school districts from paying the costs of physical examinations for teachers.

Section 5. Prohibits school districts from permitting abortion services providers to offer, sponsor, or furnish course materials or instruction related to human sexuality or sexually transmitted diseases.

Section 6. Provides an effective date of June 30, 2017.

[8:06:44 AM](#)

REPRESENTATIVE DRUMMOND noted that Sec. 1 addresses policies pertaining to student withdraw requests from state required assessments, and asked if it applies to district required assessments, as well.

MS. MCDONALD said the intent is to ensure parental rights, and allow parents to consider permission for singular activities.

[8:07:52 AM](#)

REPRESENTATIVE SEATON referred to the bill page 1, lines 13, which read:

... object to and withdraw the child from a standards-based assessment or test required by the state;

REPRESENTATIVE SEATON asked for clarity regarding how an assessment might be required by the state, but under this language the test isn't required. He questioned whether the state policy should be to suggest administering an assessment.

MS. MCDONALD offered that a school district is required to administer certain state tests, such as the Alaska Measures of Proficiency (AMP), but parents aren't compelled to have their child attend during the assessment period.

REPRESENTATIVE SEATON asked:

The question is then, if students are required to take the test, then this doesn't override. But if only the districts are required to administer a test, but the student's aren't required to take the test by state law, then this bill, as you're saying, will not override the requirement that the students take the test.

MS. MCDONALD responded that it does not propose to override a state requirement for a district to provide an assessment. She conjectured that there are no laws requiring parents to have their child take a state assessment.

REPRESENTATIVE SEATON referred to the bill page 2, lines 4-7, which read:

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

REPRESENTATIVE SEATON questioned why the topic of human biology is acceptable in the classroom, but the curriculum covering human reproduction is singled out to allow a student to be withdrawn.

MS. MCDONALD cited constituent requests to be notified when human reproduction, and sexual matters, are covered in the classroom. Although notification is already a practice at some schools, it's the sponsor's intent to expand the policy statewide.

REPRESENTATIVE SEATON agreed with the appropriateness for parental notification, however, requiring written permission prior to a student participating in a basic human biology class seems incongruent, and he questioned having it segregated in the bill.

MS. MCDONALD responded that the intent is to allow parent's a preview of what is being offered in the classroom, rather than after the fact.

[8:11:58 AM](#)

REPRESENTATIVE SPOHNHOLZ asked if evidence exists that students are taking part in sex education without parental knowledge.

MS. MCDONALD reported that calls have been fielded from upset parents indicating that it has occurred. She noted that some districts do a better job than others, and this bill will ensure that all districts comply equally.

REPRESENTATIVE SPOHNHOLZ asked whether the schools that are not upholding good practices are undergoing policy review regarding parental notification.

MS. MCDONALD answered yes, but practices vary due to the lack of a state standard, which underscores the need for the bill.

[8:13:31 AM](#)

CHAIR KELLER indicated interest in knowing what the state standard is, if one exists, for notification of parents regarding all curriculum. Parents should have an opportunity to review curriculum for each grade level. He posed the question: What is the process for disseminating curriculum information.

MS. MCDONALD deferred.

[8:14:22 AM](#)

REPRESENTATIVE SEATON referred to the bill page 2, lines 11-12, which read:

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

REPRESENTATIVE SEATON asked if parental, subject review is being proposed as a once per year opportunity, or would individual activity plans, for any class, need to be provided throughout the year.

MS. MCDONALD answered that the schedule isn't specified in the bill and departmental regulation would need to be promulgated. The language is meant to ensure that parents are allowed an opportunity to review curriculum, and possibly plan for opt-out situations.

REPRESENTATIVE SEATON noted that it could create a burden on a district in administering the withdrawal requests. He suggested that the proposed language may be too broad in scope to implement effectively and may need refinement.

[8:16:21 AM](#)

REPRESENTATIVE DRUMMOND referred to the bill page 2, lines 11-12 [previously read on the record]. She reported having reviewed the K-12 policies for the Anchorage School District (ASD), and paraphrased from the policy, which read:

At the secondary levels, explicit parent permission is not required, but notice, access to advance review of materials and an opt-out opportunity is to be provided.

REPRESENTATIVE DRUMMOND opined that the proposed language may become onerous, and paraphrased from the bill page 2, lines 23-25, which read:

The policies adopted under (a)(3) of this section must require written permission from the child's parent before each separate activity, class, or program is provided to a child that includes content involving human reproduction or sexual matters.

REPRESENTATIVE DRUMMOND inquired whether this means that a series of five lessons, covered over a two week period, would require five notices, not less than two weeks in advance, for each of the five lessons.

MS. MCDONALD responded that the described scenario would be considered a class, and require only one notice.

REPRESENTATIVE DRUMMOND maintained her concern that it will be an onerous requirement on school districts to track the opt-in forms and make determinations regarding the absence of a student on a given day.

[8:18:28 AM](#)

REPRESENTATIVE SEATON referred to the bill page 2, line 13, where the truancy and attendance standards will be effected. In an opt-out withdrawal situation, he asked whether the child would be expected to attend school on that day, and only be excused from the one class.

MS. MCDONALD said the intention is for a student to be withdrawn for the specific class, but attend school for the day.

REPRESENTATIVE SEATON asked for clarity on the practicality, and facilitation, of a student excused on an opt-out waiver for a specific class. Would the school provide other activities for any and all students that are attending on an opt-out waiver, he questioned, and pondered that they may be opting out of a lengthy assessment scheduled for the bulk of the day.

MS. MCDONALD offered to provide additional information on the workings of the current policy.

REPRESENTATIVE SEATON said notwithstanding the current policies, it's important to understand how the proposed language would change the practice.

8:20:45 AM

REPRESENTATIVE DRUMMOND asked what the withdrawn students might be engaged in doing, while sitting out a specific class.

MS. MCDONALD offered to provide additional information.

8:21:40 AM

REPRESENTATIVE SEATON noted that SB 89 enumerates a variety of reasons for approved withdrawal of a student from class, but the bill doesn't include parental rights language for a child not to be enrolled in public education. He asked whether it was inadvertently excluded. There are a number of reasons that parents can refrain from sending their student to school, including religious reasons, and he pondered whether this bill might generate an additional list of reasons that a student may not attend school.

MS. MCDONALD offered to provide additional information.

8:23:50 AM

REPRESENTATIVE SPOHNHOLZ asked for clarity regarding the intent of the bill.

MS. MCDONALD identified two distinct aspects of the bill: allowing parents the opportunity to object to certain class content, which is a reiteration of current parental rights available via the opt-out policy; and requiring parents to opt-in, as an additional measure of notification.

REPRESENTATIVE SPOHNHOLZ referred to the bill page 2, lines 23-25, [previously read on the record], which specifies that individual, separate permission slips would be required. The bill appears to be establishing a high standard for permission slip usage on the part of both the parents and the school districts. If the intent is to ensure the opportunity for parents to opt-out, additional attention may need to be focused on [lines 23-25].

MS. MCDONALD said the expectation is not lofty, given the permission slip usage already practiced for a myriad of situations. The opt-in could be satisfied at the beginning of each year, she suggested.

[8:26:53 AM](#)

REPRESENTATIVE SEATON pointed out that two phrases in the bill may conflict, and directed attention to page 2, line 6, paragraph (3), and page 2 line 23, subsection (b), which read respectively:

(3) ... and requiring written permission from the child's parent before the child may participate in the activity, class, or program;

(b) The policies adopted under (a)(3) of this section must require written permission from the child's parent before each separate activity, class, or program ...

REPRESENTATIVE SEATON expressed interest in understanding how one permission form would be sufficient to cover a course of five classes that are given over a two week period, as previously testified, given that this language requires that "each separate activity," must be noticed. He asked for further clarity on the sponsor's intent.

[8:28:21 AM](#)

REPRESENTATIVE SEATON referred to the bill page 3, lines 14-19, which read:

Sec. 4. AS 14.30 is amended by adding a new section to read:

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

REPRESENTATIVE SEATON referred to Sec. 4 and asked whether it is meant to establish a policy for teachers to pay for a background check, and fingerprints, during the employment process. The language only mentions the physical exams, which are presumed to be for the same employment reasons. He noted that the fiscal note doesn't indicate costs to the state, and he requested further details, including what the physical examination as a condition of employment would encompass.

MS. MCDONALD agreed to provide further information.

8:30:39 AM

REPRESENTATIVE SPOHNHOLZ said the bill specifically does not allow abortion services providers to supply sexual education information to school districts, and asked whether a comprehensive list of sexual education providers has been compiled. She clarified that if specific sexual education providers are excluded, what providers are allowed that are equally qualified to deliver the curriculum, as required by many districts in the state.

MS. MCDONALD answered that several districts use public health nurses, which would not be effected by the bill, and she agreed to provide a comprehensive resource list.

REPRESENTATIVE SPOHNHOLZ asked if it is the sponsor's intent that public health nurses be the sex education providers throughout the state.

MS. MCDONALD said the intent is to disallow outside organizations from entering classrooms and providing information that may advocate for a certain viewpoint. A teacher or a school nurse would both be considered appropriate and the districts would make that decision for their schools.

REPRESENTATIVE SPOHNHOLZ noted that, although the fiscal note indicates zero costs, funds may be required for redistributing the responsibility for this area of education, and asked to have a list of sexual education providers throughout the state to understand the scope of the potential expense.

8:33:48 AM

CHAIR KELLER clarified the language that the member was addressing, and asked whether she is requesting that all districts be polled; to wit bill page 3, line 12, which read:

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

REPRESENTATIVE SPOHNHOLZ confirmed subsection (e) had prompted her questions. She said a complete polling is not necessary,

however, it would need to be a large enough sample to attain a sense of practical solutions that may be implemented versus using the existing contractors.

[8:34:59 AM](#)

REPRESENTATIVE SEATON referred to the bill page 3, lines 21-25, which read:

Sec. 5. AS 14.30.360 is amended by adding a new subsection to read:

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

REPRESENTATIVE SEATON asked how SB 89 is not a bill of attainder. [The text of the U.S. Constitution, Article I, Section 9; Clause 3 is: "No Bill of Attainder or ex post facto Law shall be passed". The constitution of every state also expressly forbids bills of attainder.]

MS. MCDONALD offered to provide further information. She stated that it is well within the legislature's responsibility and authority to determine what is provided to students, and cited AS 14.03.090, which reads:

Sec. 14.03.090. Partisan, sectarian, or denominational doctrines prohibited. Partisan, sectarian, or denominational doctrines may not be advocated in a public school during the hours the school is in session. A teacher or school board violating this section may not receive public money.

[8:36:40 AM](#)

REPRESENTATIVE SEATON pointed out that a bill of attainder is unconstitutional, and explained how it relates to this bill, recalling scenarios from the early days of confederacy. Although Planned Parenthood is no longer named in the bill, the language is specific to that group, and it may become a federal issue. He asked to have the concern addressed.

[8:38:14 AM](#)

REPRESENTATIVE DRUMMOND, regarding the question of who might facilitate classes and information on human sexuality and reproduction, conjectured that it may be a public nurse. She asked whether a nurse would be questioned on their personal perspective regarding abortion, and would that information be made a requirement for providing of the course.

MS. MCDONALD responded that the bill does not require an individual teacher's views to be assessed, or those of other providers of sex education information.

[8:39:56 AM](#)

REPRESENTATIVE SEATON referred to the bill page 1, line [12], which read:

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

REPRESENTATIVE SEATON asked whether it the intention of the sponsor to exercise override of federal requirements. He queried whether the opt-out provision includes state assessments that are administered in compliance with federal requirements. Non-compliance, may result in loss of federal funding, he recalled.

CHAIR KELLER offered to have EED present at a subsequent meeting for questioning.

CHAIR KELLER opened public testimony

[8:42:10 AM](#)

ANNA MERIDETH, Manager, Youth Health and Education Program, Kachemak Bay Family Planning Clinic, stated opposition to SB 89, and said her work is handled in conjunction with professionally trained peer education teams who facilitate school presentations on a variety of topics, including: sexuality education, bullying, suicide prevention, resiliency and adverse childhood experiences, depression and mental health, and many other youth development subjects. She said the opt-in permission note requirement presents a significant problem. Over 250 students are currently completing sexual education training in Homer. The opt-out provision was available to their parent's, and worked well for the 2-3 students whose families made that

choice. Reversing policy to an opt-in requirement, means that the other 248 students would have needed to provide staff with a signed parental permission note, which would result in a burdensome oversight situation, she predicted. A large majority of the teenagers would be unable to benefit from the class under the requirement, particularly teens who are homeless, in transition, or those whose living situations present an unsafe parental relationship, she said.

[8:45:16 AM](#)

MARY LOU KELSEY, Certified Nurse (CN), Midwife, Homer Medical Center, stated opposition to SB 89, and relayed her 35 year history for delivery of children, reproductive health counseling, parenthood planning, and as a volunteer school sexual education provider. The bill could result in criminalizing the activity she engages in as a medical provider, as well as depriving students of accurate, non-biased, comprehensive, and essential information.

[8:47:21 AM](#)

KATE FINN, Registered Nurse (RN), Nurse Practitioner (NP), Midwife, stated opposition to SB 89, and echoed the previous witness's sentiments, and added that a movement referred to as denying Americans the right to know (DARK) is sweeping the nation and causing concern. Students have the right to know their options, she stressed, and make personal choices drawing on an informed knowledge base. If they don't know what is available and all the options, the situation is DARK.

[8:49:39 AM](#)

ALYISON CURREY, Representative, Planned Parenthood Votes, stated opposition to SB 89, paraphrasing from a prepared statement, which read [original punctuation provided]:

Alaska has an epidemic of sexually transmitted infections as well as sexual assault and abuse, and our youth need access to medically-accurate information to make healthy decisions about their lives. Planned Parenthood has been a trusted expert and provider of medically-accurate sexual health education in Alaska for more than 20 years and throughout the country for 100.

When invited, Planned Parenthood works closely with some schools and other social service organizations in communities across the state, including Fairbanks, Juneau, the Kenai Peninsula, Anchorage and the Mat-Su Valley. We provide direct education to over 2000 youth each year and have also provided training and skill building for staff working with youth around healthy sexuality and prevention. This has included teacher training and school based nurse training.

Our curriculum has been vetted and approved by the Office of Adolescent Health for medical accuracy and reviewed by local school staff for curriculum alignment, as well as age and cultural appropriateness to fit the needs of each community. Additionally, our education programs aim to complement the conversations that happen at home with families, they do not replace them.

SB 89 purports to be about parental rights, but it strips the rights of parents and communities who want their children to receive accurate, unbiased, evidence-based information from expert educators. This bill unfairly targets providers of abortion, who are also trained sexual health educators, and would cut many Alaska students off from the education they need to stay healthy and safe.

Instead of creating more barriers to education and limiting districts' options for local programming, we should be working together to ensure that our youth have the resources and information needed to lead healthy and productive lives—SB 89 does the opposite and I respectfully ask that you oppose this bill.

[8:52:28 AM](#)

MELISSA ENGLE, Reverend, Douglas Community and United Methodist Church, Juneau Youth Ministry Cooperative, stated opposition to SB 89, and said she finds it dangerous for two reasons. First she said it is an attack on Planned Parenthood, which is an agency that she serves as a partner in ministry for the teens of the congregation. The conversations that the Planned Parenthood Teen Council facilitated with the teens of the church, could not have happened without the partnership. Workshops cover topics from puberty through comprehensive medically accurate sex education. She described her own experience, based on a fear

based video to ensure an abstinence agreement that was presented in the sixth grade. Fifteen years later, as part of her ministry work, she was trained in the Our Whole Lives curriculum, not unlike the age appropriate, comprehensive, medically accurate, approach that the Teen Council provides. The difference would be the spiritual supplement of the religious training. She relayed that, because of a recent training course, she realized that what she had thought she was practicing as abstinence wasn't, rather it was an example of the inappropriate instruction she had initially received in school, which required spiritual reconciliation on her part. Planned Parenthood appropriately teaches abstinence, as a vital option and important facet to protect. She stressed that many young people live on the margins, and the parent's may never see the permission slip, which would cause the student to miss out on this vital education. Whatever choice a young person makes about their body, she said, let's support them being informed.

[8:55:44 AM](#)

ALICIA NORDAN, Student, University of Alaska Southeast (UAS), stated opposition to SB 89, citing her personal experience of speaking with students from across the state who lack essential sexual education. The bill will make it more difficult for students to receive sex education, by imposing the opt-in requirement; as well as by requiring teachers to purchase materials. Further, she concurred with the testimony of the previous speakers.

[8:56:46 AM](#)

TAYLOR MORGAN stated opposition to SB 89, and pointed out the high rate of sexually transmitted infections (STI's) in the state. The education she received, as an Alaskan student, was delivered by the physical education teacher. She reported that it was biased and non-comprehensive, versus receiving an unbiased, medically based curriculum. Additionally, she opined that the bill places a burden on educators by restricting the use of community resources for providing a respected sex education curriculum.

[8:57:47 AM](#)

SAMANTHA SAVAGE, Student, stated opposition to SB 89, and said that, as someone who received sex education in Alaska's public school system, efforts should be directed towards creating higher sex education standards and for ensuring that the courses

are comprehensive, evidence based, and medically accurate, rather than working to impose restrictions on students, parents, and school districts. She said:

The state of Alaska suffers from epidemic rates of sexually transmitted diseases, high pregnancy rates, and a devastatingly high rate of intimate partner violence and sexual assault. Senate bill 89 puts barriers between students receiving education that is very clearly needed for our population to be healthy and free from violence. Teachers should feel empowered to use their professional judgement to invite the most qualified individuals into their classrooms, to speak to their classes about special topics, such as sexual education. Local schools and teachers should be in control of who they believe should be allowed in schools, not the state legislature. The opt-in requirement of this bill unravels a key component of the Alaska Safe Children's Act, which is highly disturbing as our state suffers from high rates of child sexual abuse. Passing this bill would put the most at-risk children at an unfair disadvantage of receiving key information to protect themselves and others and cause administrative stress on already cash strapped school districts.

[8:59:32 AM](#)

MARJORIE RICHARDS, Registered Nurse (RN), Board Member, Resource Center for Parents and Children, stated opposition to SB 89, and said, as a nurse who has worked with a doctor of obstetrics and gynecology (OB/GYN), it would be ideal if there were no unexpected pregnancies, no one contracted STD's, sexual abuse did not occur, and abortions were never necessary. However, in order for young women and men to make good decisions regarding sexual health, expert education and resources are imperative. Most families do not provide the bulk of education that young people need, she ventured to say. She stated agreement with the concerns expressed for the opt-in permission slip requirement, and said that it would preclude the participation of many teens. Currently less than a quarter of Alaska's secondary schools are able to provide the recommended prevention courses covering human immunodeficiency virus (HIV), sexually transmitted diseases (STD's), and pregnancy prevention topics. She said:

The [State of Alaska], you and I, pay for most of the cost of the teen births in Alaska, through the

Medicaid program. Local communities and parents should have the right to invite trusted partners, like Planned Parenthood, into the classroom, if they choose. Until the state steps up in providing medically accurate sexual health education to all students, communities will rely on Planned Parenthood to provide that information. I feel that SB 89, and SB 191, go too far in restricting medically accurate, evidence based, non-judgmental, sexual health education to its constituents in Alaska.

9:02:30 AM

BUTCH MOORE stated opposition to SB 89, and opined that the bill is a poison pill. He suggested that the intent of the bill is to eliminate the presence of Planned Parenthood from public schools. He agreed that abortion should not be taught in public schools. The curricula of every school district is determined at the local level, and having made inquiries, he assured the committee that abortion is not being taught in any Alaskan schools. Parents already have the right to opt their student out of any class, and changing it to an opt-in requirement would be costly as well as illegal and prove unconstitutional; requiring that a fiscal note be attached to cover litigation costs, which would be pursuant to passage of SB 89 and SB 191. The Alaska Civil Liberties Union (ACLU) has issued a statement [contained in the committee packet] which he recommended the committee review. To not allow abortion service providers, or their volunteers, to present education in any schools in Alaska, is like saying that a liquor store that also sells groceries is barred from food services to any schools in Alaska; a practice of some major grocery stores that also sell liquor. In order for a minor to obtain an abortion, in Alaska, parental consent is required, he pointed out. Both bills single out and eliminate the use of an agency that provides a free service, thus putting an undue fiscal burden on schools, as well as shifting a medical education curricula to a medically unqualified class teacher.

9:07:31 AM

CINDY MOORE stated opposition to SB 89, and asked the rhetorical question of whether this bill will provide more or less safety to children. She conjectured that it would make them less safe. The current STD levels in Alaska are the highest in the nation among teenagers. Parental review of curriculum is already available, and a choice can be made to opt-out of any class.

However, the rights of teens is being circumvented and, she said, their rights should be a major consideration.

[9:09:52 AM](#)

ERIC GLATT, Attorney, American Civil Liberties Union (ACLU) of Alaska, stated opposition to SB 89, and opined that the bill is unconstitutional. Although not regulating the content of sex education classes, it does restrict the providers. Additionally, teachers who offer sex education would have their free time restricted, as they would be disallowed from volunteering at a clinic or other subjective venue.

[9:13:39 AM](#)

CATHY GIRARD stated opposition to SB 89, and relayed the impracticality of the early sex education that she received. The minimal information that she was privy to was what brought her to seek support from Planned Parenthood and to refrain from becoming sexually active as a teen. She said that as a grandparent she supports unbiased sexual education, provided by qualified professionals, for her grandchildren. Although proposed as a no cost bill, it will certainly create a cost for schools to take over providing the information, which is currently free to districts. Finally, parents already have the right to exercise the opt-out provision.

[9:17:10 AM](#)

ELIJAH VERHAGEN stated support for SB 89, paraphrasing from a prepared statement, which read [original punctuation provided]:

I'm very grateful to the sponsor of this bill who took this critical and heated issue on. I'd like to start off by pointing out to the committee members that almost every single person that I've heard testify before me today has either a special interest/connection they mentioned, was a Planned Parenthood employee or retired nurse that's worked with them and thus are Planned Parenthood sympathizers. These were not your average private sector individuals and parents taking off work and calling in because they are concerned for their kids. Most of your average constituents never hear about these bills being up in committee until it's too late and even if they did, most would not be able to take off work from 8-10am to testify. I only heard about it

because I used to work in Juneau and still have friends there that let me know when important bill hearings are. So for those of us that do take off work and call in, our testimony should have a lot more weight than these PP advocates, ACLU lawyers and whoever else these third party abortion agencies can afford to get here to testify. You know and I know (having worked in Juneau for five years) that most of them receive mass email notifications of when to testify and many are paid to call in or are flown into Juneau to defeat good bills like this that benefit our kids and society.

I'm frankly appalled that Planned Parenthood has been allowed to come into our public schools as a third party and teach sex education. Where was this in the newspapers? Sex education needs to be taught to our children in an unbiased, mature and trustful way primarily by parents. The government should be encouraging parents to do so, not stripping their parental rights away and leaving it up to Planned Parenthood or any other third party, unfamiliar source. Of course not all parents care sadly to teach their kids sex education or would rather the school does, that's fine and their choice and there are many kids without parents who are in public schools that will learn sex ed from their teachers. But this is where the kids can learn from a teacher they know, not a third party official who they've never met, who then hands out material that links them to abortion agencies. Like this bill allows, having an opt-in signature required from parents at the beginning of the school year or later before sex ed is taught to their children is leaving the authority with the parents.

Finally to get my point across and the severity of the bill I will share an analogy of what it's like allowing Planned Parenthood to teach our kids sex ed. Planned Parenthood is known for providing abortions and even if abortions only make up 3% of their services like they claim, they still are providing abortions which is murder, there is no sugar coating it. So allowing them to teach sex ed and then give out their info in our schools is like allowing a murderer into our house to babysit your kids because 97% of the time, the murder isn't killing anyone and is doing

good things. Well 3% of the time they are committing murder. You would never let them babysit and we also must never let Planned Parenthood teach in our schools.

I urge the committee members to seriously consider what I'm saying, reach out to your real constituents and pass this bill out of committee for our society and children's sake.

[9:20:58 AM](#)

SCOTT NORD stated support for SB 89, opining that parents should be responsible for their children's sexual education. Families are the most important part of society, and to suggest having government take on the responsibility represents a gross error, he opined. Without passage of SB 89 families will lose control and power.

[9:23:23 AM](#)

DAVID LUNTZ stated opposition to SB 89, and said the opt-in requirement will be costly, and reinforce lazy parenting. He said it is disturbing that the legislature is placing the name of an organization in the bill, which could set a precedent for other organizations to be named in subsequent bills. Because someone is a member of an organization, does not mean that a professional would impose personal bias on students in a classroom. He said:

I think we need to stop trying to impose religiously based ideas into legislation ... keep it clean, and ... not incur more legal fees.

[9:26:57 AM](#)

TOM LAKOSH, stated opposition to SB 89, and said given the fiscal situation of the state, this bill does not represent a responsible move; it will lead to litigation. Additionally, restricting sexual education may serve to increase the STD and abortion levels in the state.

[9:28:27 AM](#)

HENRY SCHILDBACH, Student, Highland Tech Charter School, stated opposition to SB 89, and said he is a member of Teen council, which is a group of teenagers who are dedicated to providing

comprehensive, medically accurate, sexual education to teens at the Highland Tech Charter School, as well as to schools within the district. The members of the [peer led sex ed] program receive extensive training for how to educate other teens and how to talk to them about sexual and reproductive health, as well as healthy relationships. The goal of the education is prevention, and to enable people to live healthy, happy lives. Alaska lacks a standardized sexual education curriculum, and less than a quarter of the schools teach the recommended HIV, STD, and pregnancy courses, he reported. Alaska is ranked 47, with only three other states receiving less sexual health education in public schools; however, the state does rank first in levels of chlamydia. Teen pregnancies are also on the rise, he said, which indicates that Alaska's approach to sex education is unacceptable. Teachers invite Teen Council, and Planned Parenthood, into their classrooms to supplement lessons, filling in a gap at no cost to the school district. Studies have consistently shown that comprehensive sex education is effective in reducing the levels of STI's, delaying the start of sexual activity, and lowering teen pregnancy rates. The solution to Alaska's status for STD's and teen pregnancies is more education not less, he reiterated. Also, SB 89 turns an established opt-out system into an opt-in system, he stressed, destroying any hope of Erin's Law and comprehensive sex education from reaching those who need it the most. For a state with child sexual abuse rates six times higher than the national average, he said the senate should be ashamed to introduce a bill such as this in Alaska. Teachers, students, and communities rely upon Planned Parenthood and Teen Council to provide sex education information, and its end will be disastrous to both teens and communities already struggling with education. As a teen, a constituent and a voice for his peers, he said he was expressing opposition to SB 89 and SB 191.

[9:31:21 AM](#)

JOSEPH LEWIS, Student, Eagle River High School, stated opposition to SB 89, and said he is grateful for the sexual education classes, which he has received. Further, he is supportive that his younger brother will be receiving similar education. Abortion is not taught in the sex education classes, the focus is on prevention and protection. The Planned Parenthood representatives are helpful in prevention.

[9:34:04 AM](#)

GARY SNYDER, Teacher, Anchorage School District (ASD), stated opposition to SB 89 and said his goal as a teacher is to help improve the lives of his students, assisting them in becoming productive members of society. Additional sexual education, not less, is necessary, he opined, and SB 89 will serve as a barrier to that end. He said, as a sex education teacher, he is responsible for the parental notifications, receiving the opt-out notices, blogging with parents, and other necessary actions for course implementation, thus, he is intimately familiar with the time and effort necessary to administer the class. The bill will only add to a teacher's work load, and discourage them from taking up the curriculum. Having spoken with hundreds of students, he said the majority get very little information from their parents. During informal annual student polls, taken in class, he reported that 80 percent of the students indicate that they do not receive sex education from their parents, but do resort to on-line information, and other inappropriate sources. He offered national statistics: 11 is the average age for males typing porn into the internet, first intercourse age averages between 16 and 17, and 60 percent of American students are sexually active by age 18. The proposed bill will not change these figures, but sex educators like himself are trying to by providing students with information and answers. Sex education in schools, serves to fill in the gaps between the foreign world and real sexual activity. Important topics that are covered include: consequences of personal sexual decisions, human anatomy, hormonal functions, pregnancy facts, consent, assertive communication, how to articulate personal values regarding sex, and contraceptives. Viewing porn, will not teach students appropriate behavior, he stressed, and stated the quote: "People learning about sex from porn, is like learning to drive by watching [the movie] FAST AND FURIOUS." Comprehensive sex education in the schools is necessary, he underscored, and pointed out that parents may review curriculum and choose to remove their student from any lesson.

[9:37:52 AM](#)

JAMES PRIMM stated opposition to SB 89, and said it represents out-of-touch legislation, that will not allow students to receive necessary education. As a father, he looks forward to educating his daughter, however, many students don't have the same parental support, and he conjectured that the bill targets the poor.

[9:40:30 AM](#)

AURORA HOEFFERLE stated opposition to SB 89 and said she looks forward to becoming a teacher and supporting the students in a similar way in which she was supported as a student. Sexual education in the home was not available in her community, nor something that her parents considered necessary or important. The children coming of age with access to the internet do not necessarily access the best information. The opt-out option is already available, and an opt-in requirement is unnecessary, she opined.

[9:43:37 AM](#)

NITHYA THIRU stated opposition to SB 89, paraphrasing from a prepared statement, which read [original punctuation provided]:

In high school, I was in a sexually abusive relationship. It was my first relationship, and I stayed in it for four years. My parents are from South Asia, and cultural barriers prevented me from being able to approach them for information about healthy relationships. They had no concept of what American dating might look like, having had an arranged marriage themselves.

I was provided very few resources at school.

It wasn't until graduating from high school that I became aware of the resources available, and was able to gain the knowledge and strength I needed to leave my abusive relationship.

Planned Parenthood, as well as schools can provide valuable support to those faced with abuse. Especially in a place like Alaska where abuse is so prevalent, limiting access to such resources is a disgrace to our state, and is a grave disservice to young people who are currently suffering and need our help. Planned Parenthood offers professional counseling, support, and resources where families cannot. A parent's ability to help can often fall short due to a lack of objectivity.

The abuse I suffered stripped me of my sense of self. Had my school provided more resources regarding sexuality, and healthy relationships, I believe I would not have waited so long to leave the relationship that I was in.

We need to empower and inform our youth, and not strip them of their ability to make informed decisions about their personal health.

Please stand against SB89, and don't perpetuate the cycle of abuse.

9:45:39 AM

KAREN WARNER stated opposition to SB 89 and said access to medically accurate, evidence based, non-judgmental, sexual health education, for the youth of Alaska, should not be subject to political or legislative gatekeeping. The reportedly high rates in Alaska for STD's and child abuse make sex education a necessary school subject. Allowing Planned Parenthood to provide a free and sound program, will keep the children and youth safer and healthier.

9:47:38 AM

ROBIN SMITH stated opposition to SB 89 paraphrasing from a prepared statement, which read [original punctuation provided]:

Parents find dealing with their teen's sexuality difficult. We don't want them hurt or find themselves in difficult situations having an unintended pregnancy. Girl or boy STIs including HIV can be life changing.

Many parents simply ignore it or barely touch the surface. That is why over the past 20 years, in survey after survey, local, state or national, 80 to 85 percent of parents indicate they want their children to receive comprehensive, medically accurate, age-appropriate sex education. Parents see such courses and content as supplementing, not supplanting, their discussions at home. They say that their children need both to be taught about delaying the onset of intimate sexual relationships until they are mature and responsible and also given the information and skills they need to use condoms and contraception when they do choose to become sexually active. It's not either/or, but both.

Studies consistently show that comprehensive sex education is highly effective at reducing STIs,

delaying initiation of sexual activity, and lowering teen pregnancy rates. The state of Alaska has failed to do its job by not providing comprehensive, accurate evidenced based sex education. We have no state standard curriculum, no requirement for even providing it. And now--no money to offer it even if we wanted to.

Teens report that their main source of information about sex, dating and sexual health comes from what they see and hear in the media. That includes TV, movies music videos, reality shows, beer ads, on line porn, and video games.

Social media is another problem. Girls are pressured to send naked selfies to boys. We are appalled to hear that oral sex has become the new kissing. We pray that isn't true in Alaska. We simply want to lock our kids up until they're adults. But we can't and we mustn't be blind to what is actually happening.

These are some of the national facts from GreatSchools.org and CommonSenseMedia.org:

72% of teens think watching TV with a lot of sexual content influences their peers' behavior somewhat or a lot.

Programs with sexual content average 4.4 scenes per hour.

On average, music videos contain 93 sexual situations per hour, including 11 hard-core scenes depicting behavior like intercourse and oral sex.

Between 1998 and 2005, the number of sexual scenes on TV nearly doubled.

1 in 5 children will be approached by a sexual predator online.

15-to 24-year-olds account for nearly half of all STD diagnoses each year.

Watching a lot of sexual content on TV and listening to sexually explicit music lyrics increase the chances that a teen will have sex at an earlier age.

60% of female video game characters are presented in a sexualized fashion.

The biggest users of online pornography are 12-to 17-year-old boys.

Schools are already overwhelmed by state mandates. Now we have a [physical education] teacher or biology teacher attempting to teach sex education. They can barely say the word vagina and breast, let alone answer question about how to set boundaries, what's normal and if they are going to have sex what are the contraceptive options. It's not simple.

Planned Parenthood has been a trusted provider of sexual health education in Alaska for more than 20 years and throughout the country for 100 years. Communities turn to us for nonjudgmental, unbiased, medically accurate curriculum on reproductive health and relationships.

We should not deny our teens important sexual education simply because some legislators do not approve of legal abortion or those who provide it.

Please oppose SB89.

[9:52:37 AM](#)

VINCENZA MARRARI stated opposition to SB 89, and as a previous Planned Parenthood employee, offered how sex education is handled in the public schools to stress that abortion is not included in the curriculum. The opt-out policy, during her 5 year tenure, was enacted only once.

[9:57:25 AM](#)

CAROLYN CLIFT, Teacher, stated opposition to SB 89 and said the bill discriminates against a single agency, Planned Parenthood, which provides a free and necessary service. Parents certainly should be involved in family planning with their children, she agreed, and relayed a scenario that her family worked through involving one of her sons. She maintained that appropriate sexual education/family planning classes are essential for teaching young people how to be responsible for their actions and not become a burden on state resources. The opt-out aspect

of the bill is important, particularly regarding mandatory administration of tests that involve special education students.

CHAIR KELLER closed public testimony.

10:01:06 AM

CHAIR KELLER opined that SB 89 is a means to establish policy to support parental rights and provide transparency in the system. Many businesses and organizations have restricted access to public schools, he pointed out, and the bill is not unique in that regard. The question for the committee to consider regards the potential financial conflict of interest, he suggested.

CHAIR KELLER announced SB 89 as held, and adjourned the meeting.

10:02:31 AM

**ADJOURNMENT**

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 10:02 a.m.