

CS FOR HOUSE BILL NO. 105(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/1/24

Referred: Judiciary, Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to parental rights in a child's education; relating to a child's names and**
2 **pronouns; relating to liability of school districts; relating to access to school records;**
3 **relating to the prevention and reduction of truancy; relating to school disciplinary and**
4 **safety programs; relating to training on sex trafficking, human trafficking, sexual abuse,**
5 **and sexual assault awareness and prevention; and providing for an effective date."**

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

7 *** Section 1.** AS 14.03.016(a) is amended to read:

8 (a) A local school board shall, in consultation with parents, teachers, and
9 school administrators, adopt policies to promote the involvement of parents in the
10 school district's education program. The policies must include procedures

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

1 (2) recognizing the authority of a parent and allowing a parent to
2 object to and withdraw the child from an activity, class, or program;

3 (3) **requiring that**

4 **(A) a child's parent receive** [PROVIDING FOR PARENT]
5 notification not less than two weeks before any activity, class, or program that
6 includes content involving [HUMAN REPRODUCTION OR] sexual matters;
7 **and**

8 **(B) a child's parent provide written permission before the**
9 **child may participate in any activity, class, or program that includes**
10 **content involving sexual matters** [IS PROVIDED TO A CHILD];

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

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

16 (6) ensuring that, when a child is absent from an activity, class,
17 program, or standards-based assessment or test required by the state under this section,
18 the absence is not considered an unlawful absence under AS 14.30.020 if the child's
19 parent withdrew the child from the activity, class, program, or standards-based
20 assessment or test or gave permission for the child's absence;

21 **(7) requiring written permission from a parent before the name or**
22 **pronoun used by a public school to address or refer to the child in person, on**
23 **school identification, or in school records is changed;**

24 **(8) requiring that a parent be informed in writing of the right to**
25 **pursue legal action against a school district if the parent's rights have been**
26 **violated.**

27 * **Sec. 2.** AS 14.03.016(d) is amended by adding new paragraphs to read:

28 (6) "gender identity" has the meaning given in the Diagnostic and
29 Statistical Manual of Mental Disorders, Fifth Edition, which defines "gender identity"
30 as a category of social identity referring to an individual's identification as male,
31 female, or, occasionally, some category other than male or female;

1 (7) "sexual matters" includes human reproduction, human sexuality,
 2 gender identity, sexual abuse, sexual assault awareness and prevention, sex education,
 3 sex trafficking, and teen dating violence and abuse awareness and prevention.

4 * **Sec. 3.** AS 14.03.016 is amended by adding new subsections to read:

5 (e) A school district that knowingly or recklessly violates a policy adopted
 6 under (a) of this section is liable in a civil action filed by a parent in an amount not
 7 less than \$5,000 and, if the violation is proved by clear and convincing evidence, may
 8 be liable for treble damages. In this subsection, "knowingly" and "recklessly" have the
 9 meanings given in AS 11.81.900(a).

10 (f) A school district shall coordinate with a parent who has withdrawn a child
 11 from an activity, class, program, or standards-based assessment or test required by the
 12 state under this section to provide supplemental materials or activities to enhance the
 13 child's education on the subject.

14 (g) A local school board shall, in consultation with parents, teachers, and
 15 school administrators, adopt policies recognizing the constitutional rights of persons
 16 who are not school district employees when the persons are on school grounds and at
 17 school events, including parents, students, and visitors, to exercise speech
 18 unconstrained by proscriptive or restrictive speech requirements regarding the use of
 19 preferred pronouns.

20 * **Sec. 4.** AS 14.03.115 is amended to read:

21 **Sec. 14.03.115. Access to school records by parent, foster parent, or**
 22 **guardian.** Upon request of a parent, foster parent, or guardian of a child under 18
 23 years of age who is currently or was previously enrolled in a municipal school district
 24 or a school district that is a regional educational attendance area, the school district
 25 shall provide a copy of the child's entire record. **If a school district does not provide**
 26 **a portion of the record, the school district shall, within 14 days, provide a written**
 27 **explanation that includes the legal exemption for withholding that portion of the**
 28 **record.** This section does not apply to

29 (1) a record of a child who is an emancipated minor; or

30 (2) record information that consists of the child's address if the school
 31 district determines that the release of the child's address poses a threat to the health or

1 safety of the child.

2 * **Sec. 5.** AS 14.20.020(k) is amended to read:

3 (k) Except as provided in AS 14.20.015, a person is not eligible for a teacher
4 certificate unless the person has completed training regarding alcohol and drug related
5 disabilities required under AS 14.20.680, training regarding **sex trafficking, human**
6 **trafficking**, sexual abuse, and sexual assault awareness and prevention required under
7 AS 14.30.355, training regarding dating violence and abuse awareness and prevention
8 required under AS 14.30.356, and training related to suicide prevention required under
9 AS 14.30.362.

10 * **Sec. 6.** AS 14.30.030 is amended to read:

11 **Sec. 14.30.030. Prevention and reduction of truancy.** The governing body of
12 a school district, including a regional educational attendance area, shall establish
13 procedures to prevent and reduce truancy. **The procedures must include**

14 **(1) a data-driven and evidence-based program to identify and aid**
15 **chronically absent students;**

16 **(2) written or electronic communication informing the parent or**
17 **guardian of a student of the total number of absences accrued by the student and**
18 **the potential effect of additional absences; and**

19 **(3) one or more of the following practices:**

20 **(A) family engagement;**

21 **(B) mentoring;**

22 **(C) visits to a student's home; or**

23 **(D) personalized messaging.**

24 * **Sec. 7.** AS 14.30.355(a) is amended to read:

25 (a) The governing body of each school district shall adopt and implement a
26 policy, establish a training program for employees and students, and provide parent
27 notices relating to **sex trafficking, human trafficking**, sexual abuse and sexual
28 assault awareness and prevention for students enrolled in grades kindergarten through
29 12.

30 * **Sec. 8.** AS 14.30.355(b) is amended to read:

31 (b) The policy, training, and notices adopted under this section must **be a**

1 **scalable, repeatable program and must** include

2 (1) **an** age-appropriate **and trauma-informed approach**
3 [INFORMATION];

4 (2) warning signs of sexual abuse, **grooming, attempted sex**
5 **trafficking, and attempted human trafficking** of a child;

6 (3) referral and resource information;

7 (4) available student counseling and educational support;

8 (5) **information about safe online practices and the warning signs**
9 **of grooming, attempted sex trafficking, and attempted human trafficking of a**
10 **child through electronic means** [METHODS FOR INCREASING TEACHER,
11 STUDENT, AND PARENT AWARENESS OF ISSUES REGARDING SEXUAL
12 ABUSE OF CHILDREN];

13 (6) actions that a child may take to prevent and report **sex trafficking,**
14 **human trafficking,** sexual abuse, or sexual assault; and

15 (7) **use of evidence-based best practices** [A PROCEDURE
16 ALLOWING A STUDENT TO BE EXCUSED FROM PARTICIPATING IN
17 TRAINING OR FROM RECEIVING NOTICES UNDER THIS SECTION AT THE
18 WRITTEN REQUEST OF A PARENT OR GUARDIAN OF THE STUDENT, OR
19 OF THE STUDENT IF THE STUDENT IS EMANCIPATED OR 18 YEARS OF
20 AGE OR OLDER].

21 * **Sec. 9.** AS 14.30.361 is amended by adding new subsections to read:

22 (e) A person may not teach a class or program involving sexual matters, as
23 defined in AS 14.03.016(d), to a student unless a parent of the student receives
24 notification and provides written permission for the student in accordance with
25 AS 14.03.016(a)(3).

26 (f) A student enrolled in kindergarten through grade three may not attend a
27 class or program involving sexual matters as defined in AS 14.03.016(d). This section
28 does not apply to the training required under AS 14.30.355.

29 * **Sec. 10.** AS 14.33.120(a) is amended to read:

30 (a) Each governing body shall adopt a written school disciplinary and safety
31 program. The program required under this subsection must be made available to

1 students, parents, legal guardians, and the public and include written

2 (1) standards for student behavior and safety that reflect community
3 standards and that include, at a minimum, basic requirements for respect and honesty;
4 standards required under this paragraph must be developed and periodically reviewed
5 with the collaboration of members of each school, parents, legal guardians, teachers,
6 and other persons responsible for the students at a school; a governing body may
7 require that standards developed under this paragraph be consistent for all schools in
8 an attendance area or the district;

9 (2) standards relating to when a teacher is authorized to remove a
10 student from the classroom for

11 (A) failure to follow student behavior and safety standards; or

12 (B) behavior described under AS 14.30.045(1) or (2);

13 (3) procedures for notifying teachers of dangerous students consistent
14 with AS 47.12.310(b);

15 (4) standards relating to when a teacher, teacher's assistant, or other
16 person responsible for students is authorized to use reasonable and appropriate force to
17 maintain classroom safety and discipline as described under AS 11.81.430(a)(2);

18 (5) policies necessary to comply with provisions of state and federal
19 law, including 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act);

20 (6) standards to address needs of students for whom mental health or
21 substance abuse may be a contributing factor to noncompliance with the school
22 disciplinary and safety program;

23 (7) policies for implementing a student conflict resolution strategy,
24 including the nonviolent resolution or mediation of conflicts and procedures for
25 reporting and resolving conflicts;

26 (8) procedures for periodic review and revision of the school
27 disciplinary and safety program;

28 (9) policies and procedures consistent with standards for use of
29 restraint and seclusion of students as described in AS 14.33.125;

30 **(10) procedures to address the physical safety and privacy of**
31 **students in locker rooms and restrooms by providing access to single-occupant**

1 **facilities or other safety and privacy protocols consistent with AS 14.18.040.**

2 * **Sec. 11.** AS 14.03.016(d)(2) is repealed.

3 * **Sec. 12.** This Act takes effect July 1, 2024.