

Original sponsors: Bradley, Huber
and Orsini

Offered: 5/18/78
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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CS FOR SENATE BILL NO. 495

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to parental rights."

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

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* Section 1. AS 14.30 is amended by adding new sections to read:

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ARTICLE 5. PARENTAL RIGHTS.

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Sec. 14.30.450. PURPOSE. The purpose of secs. 450 - 540 of this chapter is to protect the rights of parents and guardians in regard to their minor children enrolled in the schools of the state. The educational well-being of the child is best served when there is mutual cooperation and confidence between parents and school personnel.

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Sec. 14.30.460. ACCESS TO INSTRUCTIONAL MATERIAL AND PROGRAMS.

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The district school board or regional educational attendance area school board shall keep on file and make available for inspection to parents or guardians all instructional materials used in the district at the time of their use. These materials may be inspected at any time during regular office hours.

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Sec. 14.30.470. PARENTAL APPROVAL OF CERTAIN PROGRAMS. Before placing a student in a program which is specifically funded as an experimental, innovative, pilot, or research program, the local board shall inform the parent or guardian that his child is being placed in such a program. If the parent or guardian objects, the child shall be placed in a regular program of instruction.

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Sec. 14.30.480. TESTING PROCEDURES. No personality or attitude adjustment test may be administered except under the following circumstances:

1 (1) The tests shall be made available to parents or guardians
2 for inspection at the school where the test is to be administered.

3 (2) Parents or guardians shall be informed of the nature of
4 the test and written consent shall be obtained from the parent or guar-
5 dian before the administration of such a test to any student.

6 (3) The students are informed that the tests are voluntary
7 and not a school requirement.

8 Sec. 14.30.490. CONTENT OF STUDENT'S RECORDS. Student records
9 shall include an annual evaluation of the student's progress in the
10 basic skills of reading, language, and computation, measured in terms of
11 grade level norms set by the local school district board.

12 Sec. 14.30.500. ACCESS TO STUDENT RECORDS BY PARENTS. A school
13 shall, upon request, make available to the student, parent or guardian
14 of a student the content of the student's records. The parent or guar-
15 dian may be accompanied by another person or persons of his choosing
16 during a review of the contents of the student's records.

17 Sec. 14.30.510. CORRECTION OF STUDENT RECORDS. (a) If a parent
18 or guardian disputes the accuracy of an item in the student's records,
19 he may give notice in writing to the principal specifying in what manner
20 he believes the records are inaccurate. Within 15 days after receiving
21 a notice of the alleged inaccuracy, the principal shall, in writing,
22 either deny the alleged inaccuracy, admit the inaccuracy, or state that
23 there has not been sufficient time to complete an investigation.

24 (b) If the principal admits the item is inaccurate, he shall
25 immediately correct the item in the records and inform anyone who has
26 previously received a report containing the inaccurate information. If
27 the principal states that he has not had sufficient time to complete his
28 investigation, then he shall immediately investigate the matter to
29 determine its accuracy. When the school completes its investigation and

1 determines whether the item is accurate or inaccurate, it shall inform
2 the parent or guardian. If the school determines that the item was
3 inaccurate, it shall immediately correct the item in the records and
4 inform anyone who has previously received a report containing that in-
5 accurate information.

6 (c) The parent or guardian has a right to attach a written re-
7 sponse to a disputed item that cannot be resolved.

8 Sec. 14.30.520. PERMISSIBLE USE OF STUDENT RECORDS. (a) Student
9 records are confidential and may be made available only

- 10 (1) to the student, parent, or guardian of the student;
- 11 (2) to the professional staff working with the student;
- 12 (3) to a court ordering their production;
- 13 (4) under written instructions of a parent or guardian for
14 their transfer to another school or institution;
- 15 (5) under any other written instructions from a parent or
16 guardian; and
- 17 (6) for verification of pupil attendance, bus transportation,
18 or similar expenses to state or federal agencies.

19 (b) No school employee may use student records for any personal,
20 nonprofessional reason.

21 Sec. 14.30.530. ENFORCEMENT. (a) A person whose rights under
22 secs. 450 - 520 of this chapter are violated may apply to the superior
23 court for an order protecting and enforcing those rights.

24 (b) A school district or regional educational attendance area
25 found under (a) of this section to have wilfully violated rights pro-
26 tected under secs. 450 - 520 of this chapter is liable for the assess-
27 ment of costs and attorneys fees under Rule 82 of the Alaska Rules of
28 Civil Procedure; as appropriate, the court may also assess against the
29 school district extraordinary costs of the plaintiff, including but not

1 limited to costs of travel.

2 Sec. 14.30.540. DEFINITIONS. In secs. 450 - 540 of this chapter,

3 (1) "academic test" means an instrument used to assess a
4 student's academic achievement;

5 (2) "instructional material" means a textbook, teacher
6 manual, film or filmstrip;

7 (3) "personality or attitude adjustment test" means a written
8 test or questionnaire other than an academic test for the collection of
9 information relative to a student's personality, environment, home life,
10 parental or family relationships, economic status, religious beliefs,
11 patriotism, sexual behavior or attitudes, or psychological or sociologi-
12 cal problems;

13 (4) "school" means a public elementary or secondary school of
14 the state maintained by an organized school district or by a regional
15 educational attendance area;

16 (5) "student" means a person enrolled in a school maintained
17 by an organized school district or by a regional educational attendance
18 area;

19 (6) "student records" means all information on the student
20 recorded and retained by the school.