

Introduced: 1/16/79
Referred: Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 40

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

9 ARTICLE 5. PARENTAL RIGHTS.

10 Sec. 14.30.450. PURPOSE. The purpose of AS 14.30.450 - 14.30.540
11 is to protect the rights of parents and guardians in regard to their
12 minor children enrolled in the schools of the state. The educational
13 well-being of the child is best served when there is mutual cooperation
14 and confidence between parents and school personnel.

15 Sec. 14.30.460. ACCESS TO INSTRUCTIONAL MATERIAL AND PROGRAMS.
16 The district school board or regional educational attendance area school
17 board shall keep on file and make available for inspection to parents or
18 guardians all instructional materials being used in the district. The
19 materials may be inspected during regular office hours.

20 Sec. 14.30.470. PARENTAL APPROVAL OF CERTAIN PROGRAMS. Before
21 placing a student in a program which is specifically funded as an ex-
22 perimental, innovative, pilot, or research program, the local board
23 shall inform the parent or guardian that the child is being placed in
24 such a program. If the parent or guardian objects, the child shall be
25 placed in a regular program of instruction.

26 Sec. 14.30.480. TESTING PROCEDURES. A personality or attitude
27 adjustment test shall be administered under the following circumstances:

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

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

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

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

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

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

23 (b) If the principal states that there has not been sufficient
24 time to complete the investigation, he shall immediately investigate the
25 matter to determine its accuracy. When the principal completes the
26 investigation and determines whether the item is accurate or inaccurate,
27 he shall inform the parent or guardian. If the principal determines
28 that the item is inaccurate, he shall immediately correct the item in
29 the records and inform anyone who has previously received a report

1 containing the inaccurate information.

2 (c) The parent or guardian may attach a written statement to a
3 disputed item that cannot be resolved under this section.

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

6 (1) to the student, parent, or guardian of the student;

7 (2) to the professional staff working with the student;

8 (3) to a court ordering their production;

9 (4) under written instructions of a parent or guardian for
10 their transfer to another school or institution;

11 (5) under any other written instructions from a parent or
12 guardian; and

13 (6) for verification of pupil attendance, bus transportation,
14 or similar expenses to state or federal agencies.

15 (b) A school employee may not use student records for a personal,
16 nonprofessional reason.

17 Sec. 14.30.530. ENFORCEMENT. (a) A person whose rights under AS
18 14.30.450- 14.30.520 are violated may apply to the superior court for an
19 order protecting and enforcing the rights.

20 (b) A school district or regional educational attendance area
21 found under (a) of this section to have violated rights protected under
22 AS 14.30.450 - 14.30.520 is liable for the assessment of costs and
23 attorneys fees under Rule 82 of the Alaska Rules of Civil Procedure; as
24 appropriate, the court may also assess against the school district
25 extraordinary costs of the plaintiff, including but not limited to costs
26 of travel.

27 Sec. 14.30.540. DEFINITIONS. In AS 14.30.450 - 14.30.540,

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

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

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

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

12 (5) "student" means a person enrolled in a school maintained
13 by an organized school district or by a regional educational attendance
14 area;

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