

Introduced: 4/16/81  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE SENATE

BY STIMSON, FISCHER, RODEY AND KELLY

2 SENATE BILL NO. 437

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to confidential communications between  
7 students and teachers."

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

9 \* Section 1. AS 09.25 is amended by adding new sections to read:

10 Sec. 09.25.300. TEACHERS' PRIVILEGE. (a) A teacher may not be  
11 compelled to disclose a confidential communication made to the teacher  
12 by a student while the teacher is acting in the course of his duties if  
13 the communication is made privately and relates to

14 (1) the personal affairs of the student or the family of the  
15 student, and would tend to damage or incriminate the student or the  
16 family if disclosed; or

17 (2) the student's use of or sale of drugs or alcoholic  
18 beverages.

19 (b) A teacher may disclose a communication described in (a) of  
20 this section if

21 (1) the student who made the communication gives permission  
22 to have it disclosed; or

23 (2) the student's condition presents a clear and imminent  
24 danger to the student or to others and the teacher discloses the com-  
25 munication only to the extent necessary to take emergency measures  
26 which the situation demands.

27 (c) A teacher who in good faith discloses or refuses to disclose  
28 a communication described in (a) of this section is immune from civil  
29 or criminal liability for the disclosure or failure to disclose.

1           Sec. 09.25.310. APPLICATION OF TEACHERS' PRIVILEGE. AS 09.25.300  
2 applies to a hearing held under the law of this state

3           (1) before a district court, the superior court, the court  
4 of appeals, or the supreme court;

5           (2) before a court commissioner, referee, or court appointee;

6           (3) before an agency or representative of an agency of the  
7 state or a municipality; or

8           (4) before any other forum of the state, the United States,  
9 or another state.

10          Sec. 09.25.320. DEFINITION. In AS 09.25.300 - 09.25.320 "teacher"  
11 means

12           (1) a certificated employee working in a public school in  
13 the state who is in a teaching, supervisory, administrative, or other  
14 position requiring a teaching certificate;

15           (2) an instructor or administrator working in a community  
16 college established under AS 14.40.560 - 14.40.640.