

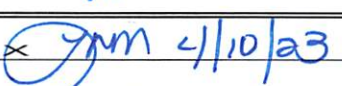



SUBJECT: A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY IN SUPPORT OF HB 105 RELATING TO PARENTAL RIGHTS IN EDUCATION.

AGENDA OF: April 18, 2023

Assembly Action: Adopted 4/18/23. SP  
Hale Opposed.

AGENDA ACTION REQUESTED: Present to the Assembly for consideration.

Route To Department/Director	Signature	Comments
Borough Attorney	<input checked="" type="checkbox"/> 	For Assemblymembers Yundt, Tew, McKee
Borough Manager	<input checked="" type="checkbox"/> 	
Borough Clerk	<input checked="" type="checkbox"/>  4/10/23	

ATTACHMENT (S) : Fiscal Note: YES \_\_\_\_\_ NO X  
Resolution Serial No. 23-046 (2 pp)  
HB 105 (5 pp)  
Governor's Transmittal Letter (2 pp)

SUMMARY STATEMENT: This resolution is sponsored by Assemblymembers Yundt, Tew, and McKee in support of HB 105. A copy of the Governor's transmittal letter and the bill is attached.

Generally, HB 105 will increase parental control over the educational affairs of their children.

**HOUSE BILL NO. 105**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTY-THIRD LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**Introduced: 3/8/23**

**Referred: Education, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to parental rights in a child's education; relating to access to school**  
2   **records; relating to sex education, human reproduction education, and human sexuality**  
3   **education; relating to school disciplinary and safety programs; and providing for an**  
4   **effective date."**

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

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

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

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

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

(3) requiring that, except as provided in AS 14.30.355 and 14.30.356, [PROVIDING FOR PARENT NOTIFICATION NOT LESS THAN TWO WEEKS] before any activity, class, or program that includes content involving gender identity, human reproduction, or sexual matters is provided to a child, the child's parent

(A) receive notification not less than two weeks before the activity, class, or program;

(B) provide written permission for the child to participate in the activity, class, or program;

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

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

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

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

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

\* Sec. 2. AS 14.03.016(d) is amended by adding a new paragraph to read:

(6) "gender identity" means an internal sense of being male, female, or something else, which may or may not correspond to an individual's sex assigned at birth or sex characteristics.

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

(e) A parent may file a civil action against a school district for a violation of a

1 policy or procedure adopted under (a) of this section.

2 (f) A school district that knowingly or recklessly violates a policy or  
3 procedure adopted under (a) of this section is liable to the parent in a civil action for a  
4 civil penalty of not less than \$5,000 and may be liable for treble damages upon a  
5 showing of a violation established by clear and convincing evidence. In this  
6 subsection, "knowingly" and "recklessly" have the meanings given in AS 11.81.900.

7 \* Sec. 4. AS 14.03.115 is amended to read:

8 **Sec. 14.03.115. Access to school records by parent, foster parent, or**  
9 **guardian.** Upon request of a parent, foster parent, or guardian of a child under 18  
10 years of age who is currently or was previously enrolled in a municipal school district  
11 or a school district that is a regional educational attendance area, the school district  
12 shall provide a copy of the child's record. **When responding to a request for**  
13 **records, a school district or regional educational attendance area may not**  
14 **selectively withhold information regarding a child's physical, medical, or mental**  
15 **health from a parent, foster parent, or guardian unless a reasonably prudent**  
16 **person would believe that disclosure of the information would result in child**  
17 **abuse or neglect as defined under AS 47.17.290.** This section does not apply to

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

19 (2) record information that consists of the child's address if the school  
20 district determines that the release of the child's address poses a threat to the health or  
21 safety of the child.

22 \* Sec. 5. AS 14.30.361 is amended by adding new subsections to read:

23 (e) A class or program involving sex education, human reproduction  
24 education, or human sexuality education may not be taught unless parental notice and  
25 permission is provided in accordance with AS 14.03.016(a)(3).

26 (f) A class or program involving sex education, human reproduction  
27 education, or human sexuality education may not be attended by a child enrolled in a  
28 grade below grade four, except as provided in AS 14.30.355.

29 \* Sec. 6. 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 through the separation of students by

1        **biological sex, access to single occupant facilities, or other safety and privacy**  
2        **protocols consistent with AS 14.18.040.**

3        \* **Sec. 7.** AS 14.03.016(d)(2) is repealed.

4        \* **Sec. 8.** This Act takes effect July 1, 2023.

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Governor Mike Dunleavy  
STATE OF ALASKA

March 7, 2023

The Honorable Cathy Tilton  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Tilton:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill amending Alaska's education statutes to increase opportunities for parental involvement in their children's education by creating meaningful notice and consent requirements. The bill requires school districts to allow parental access to school records and to develop policies requiring written consent prior to providing instruction related to human reproduction and sexual matters.

Parental involvement initiatives in public education have been increasing nationwide. In Alaska, parents are becoming more actively involved in the content and quality of instruction provided in public schools. This involvement has resulted in an increased focus on the presentation of content and materials that may not be age-appropriate for all children. This bill addresses these concerns by placing matters of personal identification and sexual education directly in the hands of parents at the local level.

Under the terms of the bill, school districts must adopt rules that provide for notice and affirmative written consent prior to any activity, class, or program that includes sensitive and personal content involving gender identity, human reproduction, or sexual matters, and a class involving sex education may not be attended by a child enrolled in a grade below fourth grade. In addition, the bill recognizes the rights of parents to designate the official name used by schools when addressing or referring to enrolled students. The bill authorizes the enforcement of these policies through the use of civil litigation by parents against school districts that knowingly or recklessly refuse to comply with the statute.

A parent's right to information about a student's physical, medical, and mental health is absolutely critical to ensure the safety and privacy of their children. Given the complex and dynamic nature of the modern school environment, it is counterproductive to create situations where a child's various caregivers are not all operating on the same page. To that end, this bill also prevents school districts from refusing to release sensitive and personal student records to the child's legal parent or guardian.

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The Honorable Cathy Tilton  
March 7, 2023  
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Finally, the bill recognizes every child's right to privacy by requiring school districts to adopt procedures addressing the physical safety and privacy of students in locker rooms and restrooms in public schools.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy", with a long horizontal stroke extending to the right.

Mike Dunleavy  
Governor

Enclosure

IM 23-089  
RS 23-046