

HOUSE BILL NO. 382

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CARPENTER

Introduced: 2/20/24

Referred: Education, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to education; relating to the rights of the parents of public school**
2 **students; relating to the rights of public school teachers; relating to the records of public**
3 **school students; and providing for an effective date."**

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

5 *** Section 1.** AS 14.03.016 is repealed and reenacted to read:

6 **Sec. 14.03.016. A parent's right to direct the education of the parent's**
7 **child.** (a) A local school board shall, in consultation with parents, teachers, and school
8 administrators, adopt policies to promote the involvement of parents in the school
9 district's education program.

10 (b) A public school shall
11 (1) allow parents to review and make copies of, at no cost, the
12 curriculum of the child's school;
13 (2) notify parents if the state alters the state's challenging state
14 academic standards under 20 U.S.C. 6311(b)(1)(A) (Every Student Succeeds Act);

1 (3) allow parents to meet with each teacher of the child, in person or
2 by video conference, at least twice each school year;

3 (4) allow parents to review the budget, including all revenue and
4 expenditures, of the child's school;

5 (5) provide to parents information about all schools, including charter
6 schools, in which the child may enroll and options for enrolling in or transferring to
7 another school in the child's school district or another school district in the state;

8 (6) allow parents to address the school board of the child's school;

9 (7) allow parents to access information about any plans to eliminate
10 gifted and talented programs in the child's school;

11 (8) notify parents if a school employee or contractor

12 (A) acts to change the child's gender markers, pronouns, or
13 preferred name;

14 (B) allows the child to change the child's sex-based
15 accommodations, including locker rooms or bathrooms; or

16 (C) treats, addresses, or advises regarding

17 (i) bullying, including cyberbullying, of the child;

18 (ii) the child's mental health and any suicidal ideation or
19 instance of self-harm;

20 (iii) a specific threat to the safety of the child;

21 (iv) the possession or use of drugs and other controlled
22 substances by the child; or

23 (v) an eating disorder of the child;

24 (9) notify parents if a student brings a deadly weapon to school;

25 (10) notify parents before a person speaks, in person or by live video
26 feed, to the child in a class, school assembly, or other school-sponsored event; the
27 notice must include the name of the speaker, the name of any organization or other
28 entity being represented by the speaker, and the topic and purpose of the presentation;

29 (11) notify parents as soon as the pertinent information is available of
30 any violent activity occurring on school grounds or at school-sponsored activities in
31 which an individual suffers an injury, except that the notification may not contain the

1 name or grade level of any student involved in the activity;

2 (12) allow parents to object to and withdraw the child from a
3 standards-based assessment or test required by the state;

4 (13) allow parents to object to and withdraw the child from an activity,
5 class, or program;

6 (14) notify parents at least two weeks before any activity, class, or
7 program that includes content involving human reproduction or sexual matters is
8 provided to the child;

9 (15) allow parents to withdraw the child from an activity, class, or
10 program required by the state for a religious holiday as defined by the parent;

11 (16) notify parents before a medical examination or screening is
12 performed on the child and allow parents to withhold consent for or be present during
13 the examination or screening; and

14 (17) notify parents promptly after a medical examination or screening
15 is performed on the child in the event of an emergency.

16 (c) A school district shall

17 (1) in consultation with parents, teachers, and school administrators,
18 adopt policies to promote the involvement of parents in the school district's education
19 program; the policies must include procedures to implement the duties set out in (a) of
20 this section;

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

26 (3) make available for inspection by a parent of a student enrolled in
27 the district without a requirement that the parent sign a nondisclosure agreement

28 (A) all instructional materials, including teachers' manuals,
29 films, tapes, and other supplementary materials that will be used in the school
30 or in connection with any survey, analysis, or evaluation;

31 (B) all books and other reading materials made available to

1 students in the school or through the school's library; and

2 (C) all professional development materials provided by the
3 school, school district, or department; and

4 (4) post on a publicly available Internet website, or otherwise widely
5 disseminate to the public, a summary of the duties of a public school under this
6 section.

7 (d) In this section,

8 (1) "child" means an unemancipated minor under 18 years of age;

9 (2) "human reproduction or sexual matters" does not include curricula
10 or materials for

11 (A) sexual abuse and sexual assault awareness and prevention
12 training required under AS 14.30.355; or

13 (B) dating violence and abuse awareness and prevention
14 training required under AS 14.30.356;

15 (3) "medical examination or screening" means a medical examination
16 or screening that involves the exposure of private body parts or that includes incision,
17 insertion, or injection into the body, or a mental health, gender dysphoria, or substance
18 use disorder screening; "medical examination or screening" does not include a
19 hearing, vision, or scoliosis screening or an observational screening carried out to
20 comply with child find obligations under 20 U.S.C. 1400 - 1482 (Individuals with
21 Disabilities Education Act);

22 (4) "parent" means a child's natural or adoptive parent or legal
23 guardian;

24 (5) "school district" has the meaning given in AS 14.30.350.

25 * **Sec. 2.** AS 14.03 is amended by adding a new section to read:

26 **Sec. 14.03.018. Rights of teachers.** (a) To provide an orderly and safe learning
27 environment for students, a teacher may

28 (1) establish and enforce classroom rules, including consequences for
29 an infraction of those rules, in accordance with policies adopted under AS 14.33.110 -
30 14.33.140;

31 (2) remove a student from a classroom in accordance with policies

1 adopted under AS 14.33.120;

2 (3) direct a student whose actions are violent, abusive, uncontrollable,
3 or disruptive to appropriate school personnel;

4 (4) assist in enforcing school rules while on school property, while
5 using school-sponsored transportation, or while at a school-sponsored activity;

6 (5) use reasonable force to protect the teacher or another person from
7 injury in accordance with AS 11.81.430(a)(2), AS 14.33.120, and 14.33.125; and

8 (6) communicate with and request participation from parents in
9 making disciplinary decisions.

10 (b) A school shall

11 (1) upon the request of a teacher, provide the teacher with information
12 relating to the disposition of a referral the teacher has made to the school's
13 administration regarding a violation of classroom or school rules;

14 (2) upon the request of a teacher, provide immediate assistance in
15 classroom management during an emergency or when a student becomes
16 uncontrollable;

17 (3) respect the professional judgment and discretion of a teacher
18 regarding disciplinary action taken by the teacher;

19 (4) treat a teacher with civility and respect; and

20 (5) provide leadership training and support to teachers, including
21 providing the teacher with a qualified, experienced mentor who is committed to
22 helping the teacher become a competent, confident professional teacher and who will
23 offer support and assistance to meet performance standards and professional
24 expectations.

25 (c) A school district shall provide a copy of the rights of teachers established
26 under this section to all teachers employed by the school district at the beginning of
27 each school year and to the parents or legal guardians of each child attending a school
28 operated by the district in a form and manner approved by the board, and post a copy
29 of the rights on the school district's website and prominently in every school and
30 administrative building the district operates.

31 (d) A school or school district may not

1 (1) establish a policy that prevents a teacher from exercising the rights
2 established under this section;

3 (2) require a teacher to fill out excessively burdensome paperwork;

4 (3) adopt curricula and policies that conflict with the curricula and
5 policies of the academic policy committee.

6 * **Sec. 3.** AS 14.03.115 is repealed and reenacted to read:

7 **Sec. 14.03.115. School records.** (a) A student or a parent of a child who is
8 currently or was previously enrolled in a school district may inspect and review the
9 student's or child's education records whether the records are maintained by the school
10 district or the department. If the records of the student or child include information
11 relating to another student or child, a student or parent may inspect and review only
12 the portion of the records that relates to the student or the parent's child or receive a
13 summary of the specific information contained in that portion of the records. A school
14 district shall establish procedures for granting a request by a student or parent to
15 access records under this subsection within a reasonable amount of time but in no case
16 more than 45 days after the request is made.

17 (b) A student or a parent of a child who is currently or was previously enrolled
18 in a school district may challenge the content of the student's or child's education
19 records to ensure that the records are accurate, are not misleading, and do not violate
20 the privacy rights of the student or child. The entity in charge of maintaining the
21 records shall provide to the student or parent an opportunity to correct or remove
22 inaccurate, misleading, or otherwise inappropriate content in the records and to insert
23 into the records a written explanation of the correction or removal.

24 (c) Except as provided in (d) and (e) of this section and AS 14.30.745, a
25 school or school district may not release or provide access to the education records of
26 a student or child, including personally identifiable information contained in the
27 records, unless the school or school district first obtains written consent from the
28 student or a parent of the child specifying the information to be released, the reason
29 for the release, and to whom the information may be released, and the school or school
30 district provides to the student or parent a copy of the information to be released upon
31 the request of the student or parent.

(d) A school district may publicize directory information designated by the district as public information with respect to students and children enrolled in the district. The school district shall give public notice of the categories of information that it has designated as public information with respect to each child or student enrolled in the school district and shall allow a reasonable amount of time after giving the notice for a student or a parent of a child enrolled in the district to inform the institution or agency that any or all of the information designated should not be released regarding the student or the parent's child without the student's or parent's prior consent.

(e) A school, school district, or an employee of a school or school district may release the education records of a student or child, including personally identifiable information contained in the records, without the written consent of the student or a parent of the child

(1) to a teacher or other school official determined to have legitimate educational interests in the records;

(2) to an official of another school or school district in which the student or child seeks or intends to enroll; records may be released under this paragraph only after the student or child's parent is notified that the records will be transferred, receives a copy of the records to be released, if desired, and has an opportunity for a hearing to challenge the content of the records;

(3) to an authorized representative of

(A) the United States Comptroller General;

(B) the United States Secretary of Education;

(C) a state educational authority; or

(D) the attorney general of the state or the United States Attorney General for law enforcement purposes;

(4) in connection with a child's or student's application for or receipt of financial aid;

(5) to a state or local official or authority for whom information contained in the records is specifically allowed to be reported or disclosed under a law adopted

1 (A) before November 19, 1974, if the reporting or disclosure
2 concerns the juvenile justice system's ability to effectively serve the student or
3 child; or

4 (B) after November 19, 1974, if

5 (i) the reporting or disclosure concerns the juvenile
6 justice system's ability to effectively serve the student or child before
7 adjudication; and

8 (ii) each person to whom the information is to be
9 disclosed certifies in writing to the educational agency or institution
10 holding the records that the information will not be disclosed to any
11 other party except as provided under state law;

12 (6) to an organization conducting a study for or on behalf of an
13 educational agency or institution for the purpose of developing, validating, or
14 administering predictive tests, administering student aid programs, or improving
15 instruction if the study is conducted in a manner that will not permit the personal
16 identification of the student or child or child's parent by a person other than a
17 representative of the organization and the information will be destroyed when no
18 longer needed for the study;

19 (7) an accrediting organization for the purpose of carrying out the
20 organization's accrediting functions;

21 (8) subject to regulations of the United States Department of Education
22 and Early Development and in connection with an emergency, to an appropriate
23 person if knowledge of the information is necessary to protect the health or safety of
24 the student or child or another person;

25 (9) to an entity or person designated in a federal or state grand jury
26 subpoena; if records are released under this paragraph, the court shall order, for good
27 cause shown, the educational agency or institution holding the records, and any
28 officer, director, employee, agent, or attorney for the agency or institution on whom
29 the subpoena is served, not to disclose to any person the existence or contents of the
30 subpoena or any information furnished to the grand jury in response to the subpoena;

31 (10) to an entity or person designated in a subpoena that is not a state

1 or federal grand jury subpoena and that is issued for a law enforcement purpose; if
 2 records are released under this paragraph, the court or other issuing agency may order,
 3 for good cause shown, the educational agency or institution holding the records, and
 4 any officer, director, employee, agent, or attorney for the agency or institution on
 5 whom the subpoena is served, not to disclose to any person the existence or contents
 6 of the subpoena or any information furnished in response to the subpoena;

7 (11) to the United States Secretary of Agriculture or an authorized
 8 representative of the Food and Nutrition Service in the United States Department of
 9 Agriculture, or a contractor acting on behalf of the Food and Nutrition Service, for the
 10 purposes of conducting program monitoring, evaluations, and performance
 11 measurements of state and local educational and other agencies and institutions
 12 receiving funding or providing benefits of a program authorized under 42 U.S.C.
 13 1751-1769 (Richard B. Russell National School Lunch Act) or 42 U.S.C. 1771-1793
 14 (Child Nutrition Act of 1966) for which the results will be reported in an aggregate
 15 form that does not identify any individual, on the condition that

16 (A) any data collected under this paragraph shall be protected
 17 in a manner that will not permit the personal identification of the student or
 18 child or child's parent by a person who is not an authorized representative of
 19 the United States Secretary of Education; and

20 (B) any personally identifiable data is destroyed when no
 21 longer needed for the program monitoring, evaluations, and performance
 22 measurements;

23 (12) to an agency caseworker or other representative of a state or local
 24 child welfare agency, or tribal organization who has the right to access a student's or
 25 child's case plan, as defined and determined by the state or tribal organization, if the
 26 agency or organization is legally responsible, under state or tribal law, for the care and
 27 protection of the student or child and the student's or child's education records,
 28 including personally identifiable information contained in the records, will not be
 29 disclosed by the agency or organization, except to an individual or entity engaged in
 30 addressing the student's or child's education needs and authorized by the agency or
 31 organization to receive the disclosure and the disclosure is consistent with the state or

1 tribal laws applicable to protecting the confidentiality of education records;

2 (13) to comply with a judicial order or lawfully issued subpoena, upon
3 the condition that the student or child and child's parent are notified of the order or
4 subpoena before the information is released, except that if a parent of the child is a
5 party to a court proceeding involving child abuse and neglect or dependency matters,
6 and the order or subpoena is issued in the context of that proceeding, the school or
7 school district shall provide additional notice to the parent.

8 (f) Other than public directory information, a school or school district may not
9 release or provide access to any personally identifiable information contained in the
10 education records of a student or child unless the school or school district first obtains
11 written consent from the student or a parent of the child specifying the information to
12 be released, the reason for the release, and to whom the information may be released,
13 and the school or school district provides the parent a copy of the information to be
14 released upon request of the student or parent.

15 (g) A school district shall maintain a record, kept with the education records of
16 each student and child, of all individuals, agencies, or organizations that have
17 requested or obtained access to the student's or child's education records. The record of
18 access must specifically indicate the legitimate interest that each individual, agency, or
19 organization has in accessing the information. The record of access to a student's or
20 child's education records may be available only to the student or a parent of the child
21 and school officials who are responsible for the custody of the education records. A
22 student, a parent of a child, and school officials may only access the record of access
23 to audit the operation of the system.

24 (h) An educational agency or institution may only transfer personal
25 information relating to a student or child to a third party on the condition that the party
26 will not permit any other party to have access to the information without the written
27 consent of the student or a parent of the child. If a third party permits another party
28 access to information in violation of this section or fails to destroy information, the
29 educational agency or institution may not permit the third party to access information
30 from education records for a period of at least five years following the most recent
31 violation.

(i) When a child becomes 18 years of age, is emancipated, or reaches the age of majority under AS 25.20.020, the parent of the child may no longer give permission or consent as required under this section or inspect, review, or challenge the educational records of the student, including records from before the student became 18 years of age, was emancipated, or reached the age of majority under AS 25.20.020.

(j) A school district shall inform students and parents of children who are enrolled in the school district of the privileges granted by this section.

(k) Nothing in this section prohibits a school district from

(1) including appropriate information in the education records of a student or child concerning disciplinary action taken against the student or child for conduct that posed a significant risk to the safety or well-being of that student or child, another student or child, or another member of the school community; or

(2) disclosing information that meets the criteria in (1) of this subsection to a teacher or school official, including a teacher or school official in another school, who has a legitimate educational interest in the behavior of the student or child.

(l) In this section,

(1) "child" means an unemancipated minor under 18 years of age;

(2) "child abuse and neglect" means the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child by a person who is responsible for the child's welfare under circumstances indicating that the child's health or welfare is harmed or threatened;

(3) "directory information" means a student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height if the student is on an athletic team, dates of attendance, and most recent previous educational institution attended;

(4) "education record" means a record, file, document, or other material that

(A) contains information directly related to a student; and

(B) is maintained by an educational agency or institution or by a person acting for an educational agency or institution;

(5) "educational agency or institution" means a school, a school district, or the Department of Education and Early Development;

(6) "parent" means a child's natural or adoptive parent or legal guardian;

(7) "school" includes a state boarding school;

(8) "school district" means a municipal school district, a borough school district, or a school district that is a regional educational attendance area;

(9) "student" means a person who is 18 years of age or older, is emancipated, or has reached the age of majority under AS 25.20.020.

* **Sec. 4.** AS 14.03 is amended by adding a new section to read:

Sec. 14.03.133. Academic policy committee. (a) Each school shall establish an academic policy committee consisting of parents of students attending the school, teachers, and school employees. A school shall meet with the academic policy committee at least once each year to monitor progress in achieving the committee's policies and goals.

(b) The academic policy committee shall select the principal of the school and select, appoint, and otherwise supervise the employees of the school.

(c) In this section, "academic policy committee" means the group designated to supervise the academic operation of a public school and to ensure fulfillment of the mission of the public school.

* **Sec. 5.** AS 14.14.060(g) is amended to read:

(g) State law relating to teacher salaries and tenure, to financial support, to supervision by the department and other general laws relating to schools, governs the exercise of the functions by the borough. The school board shall [APPOINT,] compensate [, AND OTHERWISE CONTROL] all school employees and administration officers in accordance with this title.

* **Sec. 6.** AS 14.33.120(a) is amended to read:

(a) Each governing body shall adopt a written school disciplinary and safety program. The program required under this subsection must be made available to students, parents, legal guardians, and the public and include written

(1) standards for student behavior and safety that reflect community

standards and that include, at a minimum, basic requirements for respect and honesty; standards required under this paragraph must be developed and periodically reviewed with the collaboration of members of each school, parents, legal guardians, teachers, and other persons responsible for the students at a school; a governing body may require that standards developed under this paragraph be consistent for all schools in an attendance area or the district;

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

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

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

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

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

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

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

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

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

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

(10) procedures to address the physical safety and privacy of students in locker rooms and restrooms by requiring a student to use only facilities designated for members of the student's biological sex.

* **Sec. 7.** The uncoded law of the State of Alaska is amended by adding a new section to

1 read:

2 APPLICABILITY. AS 14.03.133(b), enacted by sec. 4 of this Act, and
3 AS 14.14.060(g), as amended by sec. 5 of this Act, apply to contracts entered into on or after
4 the effective date of this Act.

5 * **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).