

HB156: Information and Answers for School Boards and Staff regarding sex education, human reproductive education and human sexuality education.

The intent of this communication is to begin to provide information regarding the aspects of HB156, which deal with sex education and sexual matters on the Alaska education system. It is a joint effort between Association of Alaska School Boards (AASB) and Alaska Department of Education and Early Development (DEED) staff to address this particular portion of HB156 that school boards, administrators and staff must be aware.

Along with providing information we will be posting answers to questions we receive; hopefully they will be similar to questions you may have. We encourage you to send us questions that may not have been covered and we will attempt to find answers and post them.

Sex education, human reproductive education and human sexuality education (AS 14.30.361)

This section of HB156 provides specific requirements for districts and boards to comply with the issue of sex education, human reproductive education, and human sexuality education in public schools. This is *not* a departure from what school boards are responsible for in terms of curriculum and instructional materials review and approval in other content areas. Simply put, the specific elements of this section that boards must consider and act upon include:

- A person teaching a class or presenting materials on sex education, human reproductive education or human sexuality education must either be a currently certificated teacher employed under a contract by the school district or be supervised by one.
- Before the curriculum, literature or materials are presented to students, they must be approved by the school board and be available for parental review.
- The school board must approve the individual person(s) presenting such materials.
- The person's credentials must be available for parental review
- The district must notify parents not less than two (2) weeks prior to the teaching and presentation of sex education, human reproductive education and human sexuality education and provide for the objection to and withdrawal of a student from such activities, classes or program.

* After June 30, 2017, these requirements do not apply to sexual abuse and sexual assault awareness and prevention training required under AS 14.30.355, and dating violence and abuse awareness and prevention training required under AS 14.30.356

Therefore, the board must develop or amend policies and/or procedures (administrative regulations) that specifically address the process of approvals required to meet the tenets of the law in these subject areas. The law does not prescribe that process thus it is up to each local school board to determine what will work best for their district, students and parents.

Questions about HB 156 and sex education:

What is the effective date?

Effective date of the law is October 26, 2016.

What resources already exist that may help districts make informed, systematic, and timely approval processes?

AASB can offer general guidance on the policy development and process questions. AASB will plan to provide some example protocols that various boards and superintendents have developed to come into compliance with this portion of HB156.

What resources or guidance are available to determine that sex education, human reproductive education and human sexuality education is medically accurate, culturally appropriate, and evidence based or evidence informed education?

Some resources include:

Health Education Curriculum Analysis Tool, Centers for Disease Control and Prevention (CDC) <https://www.cdc.gov/healthyyouth/HECAT/>

Sexual Risk Behavior Guidelines and Resources, Centers for Disease Control and Prevention (CDC)
<https://www.cdc.gov/healthyyouth/sexualbehaviors/strategies.htm>

National Health Education Standards, American Cancer Society
<http://www.cdc.gov/healthyschools/sher/standards/index.htm>

Alaska Skills for a Healthy Life, Department of Education & Early Development
https://education.alaska.gov/akstandards/standards/AKStandards_Skillsfor

- ❖ *Note: Sec. 14.03.016. part (c) "Nothing in this section prohibits a school employee or volunteer from answering a question from a child about any topic."*

Does this mean parents need to be notified at least two (2) weeks prior to ANY content involving sexual matters being taught including the elements of the Alaska Safe Children's?

Yes, until June 30, 2017 when the Alaska Safe Children's Act (AS 14.30.355 and 356) takes effect, all instructional materials concerning sexual matters and non-certified presenters working with those materials and topics must be board approved for all subjects concerning sex education, human reproductive education and human sexuality education. After June 30, 2017, the Safe Children's Act will be exempt from the requirements of AS14.30.361.

Can parents opt their child out of the Alaska Safe Children's Act curriculum?

Yes

- *Sec. 14.30.355. Sexual abuse and sexual assault awareness and prevention. "(7) a procedure allowing a student to be excused from participating in training or from receiving notices under this section at the written request of a parent or guardian of the student, or of the student if the student is emancipated or 18 years of age or older.*
- *Sec. 14.30.356. Dating violence and abuse awareness training and prevention. "(6) a procedure allowing a student to be excused from participating in training or from receiving notices under this section at the written request of a parent or guardian of the student, or of the student if the student is emancipated or 18 years of age or older.*

Does the Alaska Safe Children's Act curriculum have to be approved by the school board also?

Yes, it is the school board's responsibility to review and adopt all curricula for the district, whether science, health or other content areas.

How will this look in much smaller districts?

For smaller districts a curriculum committee may not exist. Thus whoever is responsible for curriculum review and recommendation will need to do the

same work regarding materials relating to sex education, reproductive education and human sexuality education. In addition, staff will also need to compile the credentials for all non-certificated presenters who may be used in order for the board to review and approve them.

What will happen to last minute presentations by community partners or the need to change presenters at the last minute due to illness or some other circumstance?

Unless the board has preapproved the replacement presenter and his/her materials and that presenter and the materials are made known to parents two (2) weeks in advance, a “last minute” presenter and materials cannot be used.

How early can these approvals (curriculum or presenters) be offered to districts and parents?

This will depend on what each board determines is the appropriate process for review and approval of presenters, curriculum, and materials. It would seem most expedient and efficient to have these approvals completed far enough in advance that there is no question regarding parental notification deadlines.

How does this law apply to afterschool activities (afterschool care, organizations, clubs, etc.)?

Any school-sponsored, school funded, or school directed afterschool activity or program that may address sex education, human reproductive education and human sexuality education topics would need to meet the requirements of the law. Classes, activities, meetings or presentations not directly associated with the school would likely not fall under the auspices of HB156. This would be a topic for legal advice by each district’s legal counsel and boards might want to consider specific policy language in this regard.

How much adoption/adaptation will school districts need to endure in order to make this change?

This will all depend on what the districts currently offer in terms of sex education and health instruction concerning sexuality and sexual matters and the current process the board and district employ for curriculum and materials approval. The notable addition is the requirement for presenter approval and the need to make available his/her credentials.

What is the definition of “person supervised by a certificated teacher”? Does the teacher just need to be present in the room during the presentation to supervise or will there be a requirement of some level of oversight or control?

Specifically “how” supervision occurs by certificated staff of non-certificated presenters is not communicated in the language of the law. This is the domain of board policy and administrative regulation. Boards may look to existing district policy regarding supervision of non-certificated instruction. However, the certificated person must remain in the room with the presenter, know what is being presented (board approved) and be alert for student or presenter needs.

- a. The supervisor must hold a current Alaska Teaching Certificate and be employed under contract by the district. (This can include a teacher, administrator, school counselor and a certificated Type C school nurse.
<http://www.touchngo.com/lglcntr/akstats/Statutes/Title14/Chapter20/Section010.htm>
- b. Only a certificated substitute holding a current valid school district contract would be considered.
<https://education.alaska.gov/teachercertification/Certification.html>

Does the presenter need to be approved by the school board for each class or is it a one-time approval? Will they need to renew their approval each school year?

Each board and district will need to determine how approval will work and the frequency by which approval is needed or prior approval renewed. It would seem logical and expedient that as long as instructors, presenters and materials do not significantly change that approval could take place only when needed. Boards may want to institute yearly or cyclical review just as they should with all curriculum and materials.

What will the approval process look like for all educators, including Peer Health Educators (teens)?

Each board and superintendent will need to determine its own process for approval of non-certificated presenters for this subject matter including Peer Health Educators. The law requires any and all credentials be available for public review for any non-certificated presenter. Currently employed, certificated staff responsible for sex education, human reproductive education and human sexuality education will need to meet state and district requirements.

Will there be a point person for each district to review the content with an interested parent or will this still fall to the teacher? In addition, if the parent

and teacher are unable to meet within the two (2) weeks to review curriculum will this interfere with the approved lesson moving forward?

Most likely the class teacher will be the person to meet with and answer questions from parents. Curriculum directors or those in charge of teaching and learning may also be a point for parent interaction.

If a parent cannot meet with a teacher or district representative ahead of the class, they still have the option of withdrawing the student from the activity or class in question. This would not affect the lesson for the rest of the class.

Will the school districts be defining who can provide the approved curriculum listed under the Alaska Safe Children's Act?

No, school boards will review and approve curriculum pertaining to the Alaska Safe Children's Act; they will not "define" who can provide the curriculum. This should be handled under the normal review and approval process conducted by the board.

If boards have previously approved curriculum and presenters regarding sex education, human reproductive education and human sexuality education does the board need to approve these again? The same question applies to materials.

If a board has already approved a curriculum and its materials (handouts, videos, etc.) then its approved. If teachers use additional materials that are not normally part of the curriculum, those pamphlets, videos, etc. would also have to be approved by the board and made available for parent review.

If the board has approved community resources and expect that people from those organizations may be a guest presenter, the person (not the organization) will have to be approved by the board and have his/her credentials available to parents. If the presenter is bringing in literature or materials, those would need to be pre-approved as well and available for parents two (2) weeks in advance.

Regarding other teacher resources or internet sites, districts still have to identify for board approval which materials will be used related to sex education, human reproductive education and human sexuality education.

Would lessons on gender identity / transgender information and discussions be considered "sexual matters?"

Yes, these are matters associated with “human sexuality”. That being said, it may be advisable for boards to consider specific language regarding this issue and to seek their own legal counsel.

For more information or to submit additional questions, please contact:

Lon Garrison, lgarrison@asb.org

Patricia Owen, Patricia.Owen@alaska.gov

ALASKA SAFE CHILDREN'S ACT

(Erin's Law) Sexual abuse and sexual assault awareness training and prevention required under AS 14.30.355, enacted by sec.14 of this Act;

AS 14.30.355 (Effective June 30, 2017)

- (a) The governing body of each school district shall adopt and implement a policy, establish a training program for employees and students, and provide parent notices relating to sexual abuse and sexual assault awareness and prevention for students enrolled in grades kindergarten through 12.
- (b) The policy, training, and notices adopted under this section must include:
 - 1) age-appropriate information;
 - 2) warning signs of sexual abuse of a child;
 - 3) referral and resource information;
 - 4) available student counseling and educational support;
 - 5) methods for increasing teacher, student and parent awareness of issues regarding sexual abuse of children;
 - 6) actions that a child may take to prevent and report sexual abuse or sexual assault; and
 - 7) a procedure allowing a student to be excused from participating in training or from receiving notices under this section at the written request of a parent or guardian of the student, or of the student if the student is emancipated or 18 years of age or older
- (c) The training required for teachers under this section may be provided as a part of the continuing education required under AS 18.66.310.
- (d) In this section,
 - (1) "school district" has the meaning given in AS 14.30.350;
 - (2) "sexual abuse" or "sexual assault" has the meaning given to "sexual abuse" in AS 47.10.990.

ALASKA SAFE CHILDREN'S ACT

(Bree's Law) Dating violence and abuse awareness training and prevention required under AS 14.30.356, enacted by sec.14 of this Act;

AS 14.30.356 (Effective June 30, 2017)

Dating violence and abuse policy, training, awareness, prevention, and notices.

- (a) The governing body of each school district shall adopt and implement a policy, establish a training program for employees and students, and provide parent notices relating to dating violence and abuse in grades seven through 12. A training program adopted under this section must emphasize prevention and awareness.
- (b) The policy, training, notices, and instruction adopted under this section must include (1) age-appropriate information; (2) the warning signs of dating violence and abusive behavior; (3) characteristics of healthy relationships; (4) measures to prevent and stop dating violence and abuse; (5) community resources available to victims of dating violence and abuse; and (6) a procedure allowing a student to be excused from participating in training or from receiving notices under this section at the written request of a parent or guardian of the student, or of the student if the student is emancipated or 18 years old.
- (c) The training required for teachers under this section may be provided as a part of the continuing education required under AS 18.66.310.
- (d) In this section, (1) "dating violence and abuse" means a pattern of behavior in which one person threatens to use, or actually uses, physical, sexual, verbal, emotional, or psychological abuse to control the person's dating partner;