
Disclaimer: This state profile has been prepared by Family Watch International and the Protect Child Health Coalition. While the information provided is as accurate as possible and is updated annually, *laws can change with each legislative session and laws are subject to interpretation. Therefore, it is advised that you verify and confirm all information posted on this website.*



ALASKA STATUTES AND LAWS

This profile provides an overview of sex education laws in Alaska including:

- I. [Sex-Ed Requirements Quick Chart](#)
- II. [Parental Rights Laws](#)
- III. [Sex Education Laws](#)
- IV. [Consent Laws](#)
- V. [Obscenity Laws](#)
- VI. [State Department of Education Policy](#)

Alaska legislature convened on 1/15/19 and adjourned on 4/15/19. This document represents the [31st Legislature](#) (2019-2020) and [Alaska Statutes](#) 2019.

[Back to Top](#)

I. SEX-ED REQUIREMENTS QUICK CHART

LEGISLATIVE REQUIREMENTS	YES	NO	NOT INDICATED	LEGISLATIVE CODES
Sex education required		X		§14.03.073
Sex education optional	X			§14.30.360 , §14.30.361
If/When Provided, Sexual Education Must/May:				
Be medically accurate			X	
Be evidence based			X	
Be age appropriate	X			§14.30.350(1) , Article 7 b.1 , §14.30.356(b.1)
Be culturally appropriate and unbiased			X	
Reference/stress abstinence*			X	
Include HIV/AIDS education			X	
Be LGBTQ inclusive			X	
Include safety against sexual abuse	X			Alaska Safe Children’s Act, Article 7 , §14-30-356
Support/promote distribution of condoms			X	
Include abortion referrals/education			X	
Parental Role in Sexual Education:				
Parental notification	X			§14.03.016(a.3) , §14.30.356(a.2)
Parental involvement	X			§14.03.016
Opt-in			X	
Opt-out/withdraw	X			§14.03.016(a.1, a.2, b) , §14.30.356(b.6)
Access to/review curriculum	X			§14.03.016(a.5) , §14.30.361(b.2, c.2)
Public review			X	
*Warning: While statutes might say “abstinence based” or require materials to “stress abstinence” as the standard, many CSE programs only mention abstinence in passing; they do not establish abstinence as the expected standard and fail to emphasize abstinence as the only sure way to protect against pregnancy and sexually transmitted diseases, including AIDS. See harmful elements of CSE here .				

[Back to Top](#)

II. PARENTAL RIGHTS LAWS

The following laws and guidelines apply to sex education and how sex education is taught in Alaska.

Sec. 14.03.016 *A parent's right to direct the education of the parent's child.*

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

- (1) recognizing the **authority of a parent** and allowing a parent to object to and withdraw the child from a standards-based assessment or test required by the state;
- (2) recognizing the **authority of a parent** and allowing a parent to object to and withdraw the child from an activity, class, or program;
- (3) providing for **parent notification** not less than two weeks before any activity, class, or program that includes content involving human reproduction or sexual matters is provided to a child;
- (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;

(b) The policies adopted under this section may not allow a parent categorically to object to or withdraw a child from all activities, classes, programs, or standards-based assessments or tests required by the state. The policies must **require a parent to object each time the parent wishes to withdraw the** child from an activity, class, program, or standards-based assessment or test required by the state.

(c) Nothing in this section prohibits a school employee or volunteer from answering a question from a child about any topic.

(d) In this section,

- (1) **"child"** means an unemancipated minor under 18 years of age;
- (2) **"human reproduction or sexual matters"** does not include curricula or materials for
 - (A) sexual abuse and sexual assault awareness and prevention training required under AS 14.30.355; or
 - (B) dating violence and abuse awareness and prevention training required under AS 14.30.356;
- (3) "local school board" has the meaning given in AS 14.03.290;
- (4) "parent" means the natural or adoptive parent of a child or a child's legal guardian;

Sec. 14.30.350 *Definitions.*

[Back to Top](#)

(1) “**appropriate** education” means personalized instruction with sufficient support services to permit a child to benefit educationally from the instruction;

(5) “**informed consent**” means that

A. a child’s parent has been fully informed, in the parent’s native language or other mode of communication, of all information relevant to the activity for which consent is sought;

(B) the parent understands and agrees in writing to the carrying out of the activity for which the parent’s consent is sought;

(C) the consent describes that activity and lists any records that will be released and to whom;

(D) the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time;

(6) “parent” means a

(A) child’s natural or adoptive parent;

(B) child’s guardian, but not the state if the child is in the legal custody of the state;

(C) person who is acting in the place of a child’s natural or adoptive parent, such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare; and

(D) child’s surrogate parent who has been appointed under AS 14.30.325;

[Back to Top](#)

III. SEX EDUCATION LAWS

The following laws and guidelines apply to sex education and how sex education is taught in [Alaska Title 14](#).

Sec. 14.30.361 Sex education, human reproductive education, and human sexuality education.

- (a) A person may only teach a class or program in sex education, human reproduction education, or human sexuality education if the person
 - (1) possesses a valid teacher certificate issued under AS 14.20 and is employed under a contract with the school; or
 - (2) is supervised by a person who meets the requirements under (1) of this subsection.
- (b) Before curriculum, literature, or materials related to sex education, human reproduction education, or human sexuality education may be used in a class or program or distributed in a school, the curriculum, literature, or materials must be
 - (1) approved by the school board; and
 - (2) available for **parents to review**.
- (c) Before a person teaches a class or program under (a)(2) of this section,
 - (1) the person must be approved by the school board; and
 - (2) the person's credentials must be available for **parents to review**.
- (d) The requirements under (a) of this section **do not apply** to
 - (1) **sexual abuse** and sexual assault awareness and prevention training required under AS 14.30.355; or
 - (2) **dating violence** and abuse awareness and prevention training required under AS 14.30.356.

The Alaska Safe Children's Act enacted June 30, 2017 requires:

(Erin's Law) adoption and implementation of policy for training employees/students, and provide parental notices relating to sexual abuse, sexual assault awareness and prevention for grades k-12.

(Bree's Law) adoption and implementation of policy for training employees/students, and provide parental notices relating to dating violence and abuse in grades 7-12

Sec. 14.30.355. Sexual abuse and sexual assault awareness and prevention.

- (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;

[Back to Top](#)

- (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.

Sec. 14.30.356 *Teen dating violence and abuse awareness and prevention program; training and notices.*

(a) The department, in consultation with school districts, shall develop and approve a program relating to teen dating violence and abuse awareness and prevention for grades seven through 12. The program must

- (1) include training for employees and students;
- (2) **provide parent notices**; and
- (3) be reviewed periodically by a qualified individual or committee for consistency with generally accepted standards for a teen dating violence and abuse awareness and prevention program.

(b) The 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 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) “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;

Sec. 14.30.360 *Health education curriculum; physical activity guidelines.*

(a) Each district in the state public school system shall be encouraged to initiate and conduct a program in health education for kindergarten through grade 12. The program should include instruction in

[Back to Top](#)

physical health and personal safety including alcohol and drug abuse education, cardiopulmonary resuscitation (CPR), early cancer prevention and detection, dental health, family health including infant care, environmental health, the identification and prevention of child abuse, child abduction, neglect, sexual abuse, and domestic violence, and appropriate use of health services.

(b) The state board shall establish guidelines for a health and personal safety education program. Personal safety guidelines shall be developed in consultation with the Council on Domestic Violence and Sexual Assault. Upon request, the Department of Education and Early Development, the Department of Health and Social Services, and the Council on Domestic Violence and Sexual Assault shall provide technical assistance to school districts in the development of personal safety curricula. A school health education specialist position shall be established and funded in the department to coordinate the program statewide. Adequate funds to enable curriculum and resource development, adequate consultation to school districts, and a program of teacher training in health and personal safety education shall be provided.

Article 7 Sexual Abuse and Sexual Assault Awareness and Prevention

(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.

[Back to Top](#)

IV. CONSENT LAWS

[Age of Consent](#) – Based on Alaska Statute [§11.41.436](#), the age when children can legally consent or agree to sex is 16.*

[Age of Majority](#) – Based on Alaska Statute [§25.20.010](#), anyone under the age of 18 is considered a minor, while those 18 years old and older are considered adults.

Warning! Most CSE programs put parental rights at risk by either encouraging or requiring that parents not be notified and/or by instructing children how to access such things as abortion, contraception and other so-called health services without parental notification or consent.

It is particularly dangerous to encourage students in this way, particularly considering the fact the laws often support what is being taught in CSE programs. For example:

Without notifying or receiving consent from their parents, minor children in Alaska may consent to and receive

- All STI (sexually transmitted infection) services ([§25.20.025](#))
- HIV services** ([§25.20.025](#))
- All prenatal care services ([§25.20.025](#))
- *In some cases*, abortions ([§18.16.020](#))

*[Acceptable differences between ages is 3 years](#)

**If parents are not immediately available or unable to be contacted

See more information about consent laws on [cdc.gov website](#)

[Back to Top](#)

V. OBSCENITY LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Alaska Obscenity laws](#).

Alaska Stat. Ann. § 11.61.128 - Distribution of indecent material to minors

- (a) A person commits the crime of distribution of indecent material to minors if
- (1) the person, being 18 years of age or older, intentionally distributes or possesses with intent to distribute any material described in (2) and (3) of this subsection to either
 - (A) a child that the person knows is under 16 years of age; or
 - (B) another person that the person believes is a child under 16 years of age;
 - (2) the person knows that the material depicts the following actual or simulated conduct:
 - (A) sexual penetration;
 - (B) the lewd touching of a person's genitals, anus, or female breast;
 - (C) masturbation;
 - (D) bestiality;
 - (E) the lewd exhibition of a person's genitals, anus, or female breast; or
 - (F) sexual masochism or sadism; And
 - (3) the material is harmful to minors.
- (b) In this section, it is not a defense that the victim was not actually under 16 years of age.
- (c) In this section, “harmful to minors” means
- (1) the average individual, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest in sex for persons under 16 years of age;
 - (2) a reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, educational, political, or scientific value for persons under 16 years of age; and
 - (3) the material depicts actual or simulated conduct in a way that is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable for persons under 16 years of age.
- (d) Except as provided in (e) of this section, distribution of indecent material to minors is a class C felony.
- (e) Distribution of indecent material to minors is a class B felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper under AS 12.63 or a similar law of another jurisdiction.

Credits

SLA 2005, ch. 97, § 2. Amended by SLA 2007, ch. 24, § 6, eff. July 1, 2007; SLA 2010, ch. 18, §§ 9 to 12, eff. July 1, 2010; 3rd Sp. Sess. 2012, ch. 1, § 5, eff. July 1, 2012. Notes of Decisions containing your search terms (0) View all 2AS § 11.61.128, AK ST § 11.61.128

Alaska recodified its criminal law based in part on the ALI-MPC in 1980.

[Back to Top](#)

VI. STATE DEPARTMENT OF EDUCATION POLICIES

The following laws and guidelines apply to sex education and how it is taught according to [Alaska Department of Education](#).

School Health

“School health programs and policies aimed at preventing or reducing risk behaviors and other health problems and strategies for increasing protective factors among students can have a positive effect on both their health and academic achievement. Alaska implements the Alaska Sage Children’s Act.

[The Whole School, Whole Community, Whole Child Model](#) promotes the health and well-being of students, staff, classrooms and schools by developing an environment that is most conducive to effective teaching and learning.”

WARNING: The *Whole school, Whole Community, Whole Child Model* [Child Harm level](#) is rated **extremely high**.

Compare [state laws](#) with [state department of education](#) policies for alignment.

Revised March 2020

[Back to Top](#)