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ALASKA STATE LEGISLATURE HOUSE DISTRICT 23 EAGLE RIVER VALLEY

SESSION

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House Bill No. 183

Sectional Analysis

"An Act relating to school athletics, recreation, athletic teams, and sports; and providing for an effective date."

Section 1

This section amends the uncodified law of the State of Alaska by adding a new paragraph with legislative intent.

Section 2 AS 14.18.150

This section adds Athletic team and sport designation.

- (a) A public school, or a private school whose students or teams compete against a public school, must designate each school-sponsored athletic team or sport a
 - (1) male, men, or boys' team or sport;
 - (2) female, women, or girls team or sport; or
 - (3) coeducational or mixed team or sport.
- (b) A student who participates in an athletic team or sport designated female, women, or girls must be female, based on the participant's biological sex as either female or male, as designated at the participant's birth. The biological sex listed on a participant's birth certificate may be relied on to establish the participant's biological sex designated at the participant's birth if the sex designated on the birth certificate was designated at or near the time of the participant's birth.

Section 2 AS 14.18.160

This section amends and adds compliance protection

- (a) A governmental entity, licensing or accrediting organization, athletic association, or school district may not take adverse action against a school or school district for complying with AS 14.18.150.
- (b) A school or a school district may decline to consider a complaint brought against the school or school district for complying with AS 14.18.150

Section 2 AS 14.18. 170

This section adds the liability protecting

- (a) A student who is deprived of an athletic opportunity or suffers direct or

direct harm resulting from a violation of AS 14.18.150 may bring a private cause of action against the violating school.

- (b) A student subjected to retaliation or other adverse action as a result of reporting a violation of AS 14.18.150 to an employee or representative of a school, school district, or athletic association or organization, or to a state or federal government entity with oversight authority, may bring a private cause of action against the retaliating entity.
- (c) If a school or school district suffers direct or indirect harm as a result of a violation of AS 14.18.150, the school or school district may bring a private cause of action against the violating entity.
- (d) An action brought under this section must be commenced within two years of the event giving rise to the complaint.

Section 2 AS 14.18.180

This section adds Access to courts; relationship to rights under federal law.

- (a) Nothing in AS 14.18.150 - 14.18.190 abrogates, restricts, or otherwise limits
 - (1) the access of any person to a state or federal court; or
 - (2) a person's right to bring in state or federal court a complaint or cause of action arising out of AS 14.18.150 - 14.18.190.
- (b) AS 14.18.150 - 14.18.190 may not be construed to modify a person's rights under 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), 29 U.S.C. 794, or 42 U.S.C. 12101 - 12213.

Section 2 AS 14.18.190

This section adds Definitions. In AS 14.18.150 - 14.18.190,

- (1) "school" means an elementary, junior high, or secondary school;
- (2) "school district" means a borough school district, a city school district, a regional educational attendance area, a state boarding school, and the state centralized correspondence study program.

Section 3

This section adds an effective date per AS 01.10.070(c).