

CS FOR SENATE BILL NO. 196(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE EDUCATION COMMITTEE

Offered: 4/22/22

Referred: Judiciary

Sponsor(s): SENATORS REINBOLD, Costello

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to transparency and compelled speech in public education."**

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

3 * **Section 1.** AS 14.18.070 is amended to read:

4 **Sec. 14.18.070. Affirmative action.** The board shall establish procedures for
5 affirmative action programs covering both equal employment and equal educational
6 opportunity to be implemented by all school districts and regional educational
7 attendance areas determined by the board not to be in compliance with AS 14.18.010 -
8 14.18.110 [THIS CHAPTER].

9 * **Sec. 2.** AS 14.18.080 is amended to read:

10 **Sec. 14.18.080. Implementation.** (a) The board shall adopt regulations under
11 AS 44.62 (Administrative Procedure Act) to implement AS 14.18.010 - 14.18.110
12 [THIS CHAPTER].

13 (b) The Board of Regents shall adopt rules under AS 14.40.170(b)(1) to
14 implement AS 14.18.010 - 14.18.110 [THIS CHAPTER].

15 * **Sec. 3.** AS 14.18.090(a) is amended to read:

1 (a) The board shall enforce compliance by school districts and regional
 2 educational attendance areas with the provisions of AS 14.18.010 - 14.18.110 [THIS
 3 CHAPTER] and the regulations and procedures adopted under AS 14.18.010 -
 4 14.18.110 [IT] by appropriate order made in accordance with AS 44.62. After a
 5 hearing conducted by the office of administrative hearings (AS 44.64.010) and a
 6 finding by the board that a district or a regional educational attendance area is not in
 7 compliance with AS 14.18.010 - 14.18.110 [THIS CHAPTER] and is not actively
 8 working to come into compliance, the board shall institute appropriate proceedings to
 9 abate the practices found by the board to be a violation of AS 14.18.010 - 14.18.110
 10 [THIS CHAPTER].

11 * **Sec. 4.** AS 14.18.100 is amended to read:

12 **Sec. 14.18.100. Remedies.** (a) A person aggrieved by a violation of
 13 AS 14.18.010 - 14.18.110 [THIS CHAPTER] or of a regulation or procedure adopted
 14 under AS 14.18.010 - 14.18.110 [THIS CHAPTER] as to primary or secondary
 15 education may file a complaint with the board and has an independent right of action
 16 in superior court for civil damages and for such equitable relief as the court may
 17 determine.

18 (b) A person aggrieved by a violation of AS 14.18.010 - 14.18.110 [THIS
 19 CHAPTER] or of a regulation or procedure adopted under AS 14.18.010 - 14.18.110
 20 [THIS CHAPTER] as to postsecondary education has an independent right of action in
 21 superior court for civil damages and for such equitable relief as the court may
 22 determine.

23 * **Sec. 5.** AS 14.18.110 is amended to read:

24 **Sec. 14.18.110. Effect [OF CHAPTER].** AS 14.18.010 - 14.18.110 [THIS
 25 CHAPTER] is supplementary to and does not supersede existing laws relating to
 26 unlawful discrimination based on sex or race.

27 * **Sec. 6.** AS 14.18 is amended by adding new sections to read:

28 **Article 2. Transparency and Compelled Speech in Public Education.**

29 **Sec. 14.18.150. Transparency.** (a) A public school, including a charter school
 30 authorized under AS 14.03.250 - 14.03.290, shall display on the school's website in an
 31 easily accessible location all

1 (1) training material used for teacher and other staff training on
 2 nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, bias, or another
 3 concept that includes one or more of those concepts;

4 (2) instructional or curricular material that primarily addresses
 5 nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, bias, or another
 6 concept that includes one or more of those concepts; and

7 (3) school procedures, including procedures used by the principal or
 8 teachers, for documentation, review, or approval of training, instructional, or
 9 curricular material used for teacher and other staff training or student instruction.

10 (b) A public school website display required by (a) of this section must
 11 include, for all instructional material included in the display,

12 (1) the title and author of the material and any organization or website
 13 associated with the material;

14 (2) a brief description of the material;

15 (3) a link to the material, if publicly available, or instructions for
 16 requesting a copy of the material; and

17 (4) if a teacher created the material, the identity of the teacher.

18 (c) A public school shall regularly update the school's website display required
 19 by (a) and (b) of this section and shall add new training, instructional, and curricular
 20 material to the display before the first use of the material. The school shall retain
 21 information about training, instructional, and curricular material for at least two years
 22 after the completion of the course.

23 (d) This section does not require a school to digitally reproduce or post a copy
 24 of instructional material if the reproduction or copying is prohibited by copyright.

25 **Sec. 14.18.160. Prohibiting compelled speech.** (a) Instruction in a public
 26 school must be carried out in accordance with the following: a state agency, school
 27 district's governing body, charter school, or public school

28 (1) may allow a teacher, administrator, or other employee to include in
 29 a course or award course grading, credit, or extra credit for political activism, lobbying
 30 or efforts to persuade members of the executive or legislative branch at the local, state,
 31 or federal level to take specific action, or any practicum or similar activity involving

1 social or public policy advocacy, if the teacher, administrator, or other employee does
2 not direct or otherwise compel a student or a teacher, administrator, or other employee
3 to affirm, adopt, or adhere to a specific belief or concept;

4 (2) may not direct or otherwise compel a student or a teacher,
5 administrator, or other employee to affirm, adopt, or adhere to the belief or concept
6 that

7 (A) the United States or the state is fundamentally or
8 irredeemably racist or sexist;

9 (B) an individual, by virtue of sex, race, ethnicity, religion,
10 color, or national origin, is, consciously or unconsciously, inherently racist,
11 sexist, or oppressive;

12 (C) an individual, by virtue of sex, race, ethnicity, religion,
13 color, or national origin, is blameworthy for actions committed in the past by
14 other members of the same sex, race, ethnicity, religion, color, or national
15 origin;

16 (D) an individual's moral character is necessarily determined,
17 in whole or in part, by the individual's sex, race, ethnicity, religion, color, or
18 national origin;

19 (E) a sex, race, ethnicity, religion, color, or national origin is
20 inherently superior or inferior; or

21 (F) an individual should be adversely treated based on sex,
22 race, ethnicity, religion, color, or national origin;

23 (3) may not use public funds to contract with, hire, or otherwise
24 engage a speaker, consultant, diversity trainer, or other person to

25 (A) encourage, direct, or otherwise compel a student or a
26 teacher, administrator, or other employee to affirm, adopt, or adhere to a
27 specific belief or concept;

28 (B) direct or otherwise compel a student or a teacher,
29 administrator, or other employee to affirm, adopt, or adhere to a belief or
30 concept described in (2) of this subsection; or

31 (C) advocate a concept described in (2) of this subsection

1 unless the state agency, school district's governing body, charter school, or
2 public school

3 (i) expressly clarifies that the state agency, school
4 district's governing body, charter school, or public school does not
5 sponsor, approve, or endorse the concept; and

6 (ii) provides students and teachers, administrators, and
7 other employees the opportunity to opt out of any speech, training, or
8 session;

9 (4) may not require a student or a teacher, administrator, or other
10 employee to attend or participate in a training, a seminar, continuing education, an
11 orientation, or therapy that promotes a concept described in (2) of this subsection.

12 (b) This section does not prohibit

13 (1) speech protected by the Constitution of the State of Alaska or the
14 Constitution of the United States;

15 (2) voluntary, uninduced, and uncoerced attendance or participation by
16 a student or a teacher, administrator, or other employee in a training, a seminar,
17 continuing education, an orientation, or therapy that promotes a concept described in
18 (a)(2) of this section;

19 (3) providing an individual, for research or independent study
20 purposes, access to sources that advocate a concept described in (a)(2) of this section;
21 or

22 (4) educational in-school discussion of, or assignment of material that
23 incorporates, the concepts described in (a)(2) of this section so long as the school
24 clarifies that the school does not sponsor, approve, or endorse the concepts or material.

25 **Sec. 14.18.170. Enforcement.** (a) The attorney general may commence a civil
26 action in the superior court to enjoin a state agency, school district's governing body,
27 charter school, or public school from violating AS 14.18.150 or 14.18.160.

28 (b) A state agency, school district's governing body, charter school, or public
29 school may request an advisory opinion from the attorney general indicating whether a
30 proposed act or omission violates AS 14.18.150 or 14.18.160.

31 (c) Within 60 days after receiving a complete written request under (b) of this

1 section, the attorney general shall issue an advisory opinion on the question. The
2 attorney general may reconsider, revoke, or modify an advisory opinion at any time,
3 including upon a showing that material facts were omitted or misstated in the request
4 for the opinion. A person may rely on, and the attorney general may not commence a
5 civil action under (a) of this section that is inconsistent with, an advisory opinion
6 issued under this section.

7 **Sec. 14.18.190. Definitions.** In AS 14.18.150 - 14.18.190,

8 (1) "public school" does not include the University of Alaska or
9 another postsecondary institution;

10 (2) "school district" means a borough school district, a city school
11 district, a regional educational attendance area, a state boarding school, and the state
12 centralized correspondence study program;

13 (3) "state agency" means a department, office, agency, state board,
14 commission, public corporation, or other organizational unit of or created under the
15 executive branch of state government.