

**ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE**

MARCH 25, 2022

9:03 a.m.

MEMBERS PRESENT

Senator Roger Holland, Chair
Senator Shelley Hughes
Senator Peter Micciche
Senator Tom Begich

MEMBERS ABSENT

Senator Gary Stevens, Vice Chair

COMMITTEE CALENDAR

SENATE BILL NO. 236

"An Act relating to facilities constituting a school."

- HEARD & HELD

SENATE BILL NO. 196

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 236

SHORT TITLE: FACILITIES CONSTITUTING A SCHOOL

SPONSOR(s): EDUCATION

03/18/22	(S)	READ THE FIRST TIME - REFERRALS
03/18/22	(S)	EDC
03/25/22	(S)	EDC AT 9:00 AM BUTROVICH 205

BILL: SB 196

SHORT TITLE: PUBLIC ED: SPEECH, DISCLOSE INST MATERIAL

SPONSOR(s): REINBOLD

02/15/22	(S)	READ THE FIRST TIME - REFERRALS
02/15/22	(S)	EDC, JUD

03/25/22

(S)

EDC AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

ED KING, Staff
Senator Roger Holland
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 236 on behalf of the Education Committee and explained the changes between version A and version B.

ANDREW LOVITT, Director of Budget & Finance
Lower Yukon School District
Mountain Village, Alaska,

POSITION STATEMENT: Testified by invitation on SB 236.

ELWIN BLACKWELL, School Finance Manager
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Testified by invitation on SB 236.

SENATOR LORA REINBOLD
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 196.

CHRISTOPHER RUFO, Senior Fellow
Manhattan Institute
Pierce, Washington

POSITION STATEMENT: Testified by invitation on SB 196.

DAVID BOYLE, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on SB 196.

LEIGH SLOAN, Director
Alaska Parent's Rights in Education
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on SB 196.

ACTION NARRATIVE

[9:03:55 AM](#)

CHAIR ROGER HOLLAND called the Senate Education Standing Committee meeting to order at 9:03 a.m. Present at the call to

order were Senators Begich, Hughes, and Chair Holland. Senator Micciche arrived thereafter.

SB 236-FACILITIES CONSTITUTING A SCHOOL

[9:04:42 AM](#)

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 236 "An Act relating to facilities constituting a school."

CHAIR HOLLAND asked Mr. King to introduce SB 236, a committee bill.

[9:05:05 AM](#)

ED KING, Staff, Senator Roger Holland, Alaska State Legislature, Juneau, Alaska, introduced SB 236 by reading the sponsor statement:

[Original punctuation provided.]

SB 236 seeks to remedy a technical problem in the education funding formula. The problem occurs when a district with a single school and more than 425 students opens a charter school. Under current law, the existence of the charter school implies that there is no longer "only one facility administered as a school." Consequently, the district must calculate the adjusted ADM in the public school with a lower school size factor. As a result, opening a charter school in such a district comes with a financial penalty of about \$1 million per year.

SB 236 adds three words to existing law: "excluding charter schools." These three words allow the district to maintain its full funding and remove the disincentive a school board faces when considering a charter school application. While it is tempting to consider the fiscal note as a \$1 million per year funding increase, it's important to remember that simply closing the charter school would yield the same result.

The Senate Education Committee supports charter schools and requests your support in removing this barrier to ensure they are available to students across the state.

[9:06:18 AM](#)

CHAIR HOLLAND noted there was a committee substitute (CS) for the committee to consider.

[9:06:26 AM](#)

SENATOR HUGHES moved to adopt the proposed CS for SB 236, work order 32-LS1642\B, as the working document.

[9:06:41 AM](#)

CHAIR HOLLAND objected for purposes of discussion and asked Mr. King for an explanation of the changes between version A and version B.

[9:06:47 AM](#)

MR. KING explained that the committee substitute adds Section 2 to SB 236, adding an effective date of July 1, 2022, ensuring no partial-year funding obligations.

[9:07:01 AM](#)

CHAIR HOLLAND removed his objection; he found no further objection, and CSSB 236, version B, was adopted.

[9:07:24 AM](#)

ANDREW LOVITT, Director of Budget & Finance, Lower Yukon School District, Mountain Village, said he had held the position for six years. He read his testimony:

[Original punctuation provided.]

LYSD is seeking your support of SB 236. SB 236 will remedy a funding issue that unfairly penalizes the Lower Yukon School District for opening a charter school in Hooper Bay.

The penalty within the statute for adding a charter school in Hooper Bay resulted in an annual reduction in funding of \$1,033,000 for FY 2021, and \$1,021,000 for FY2022. Until this funding penalty is remedied, LYSD will lose approximately \$1 million each year.

The District operates two separate educational programs in the Hooper Bay School; the conventional K-12 school and a 4th -8th grade charter school that features a culturally relevant, place based on learning curriculum for its students. Additionally, the school has a K-3 Yupik Immersion program but is not part of the charter school and functions as part of the conventional school as a special program.

Some would argue that SB 236 has a fiscal note to the State of Alaska of \$1 million annually.

LYSD sees the opposite; to date our loss of foundation funding has resulted in fiscal surplus to the state of \$2 million dollars for the FY 21 and FY 22.

As a result of the Hooper Bay Charter School, our district has same number of students- the exact same students- inside of the same school building- and yet we realize a funding penalty of over \$1 million per year. By adding the three words "**excluding charter schools**" to AS 14.17.905, the annual funding penalty is remedied and it becomes feasible to fund Hooper Bay's Charter School. As it stands now, the statute is punitive and this unintended \$1 million annual funding penalty impacts our entire school district and effectively jeopardizes rural Alaskans' access to school choice.

SB 236 would remedy this funding problem and support charter school equity for the rural Alaska school districts.

Thank you for sponsoring and scheduling this legislation, thank you for your time and consideration and I'm open for any questions.

[9:09:39 AM](#)

SENATOR BEGICH said if the district got rid of the charter school, there would not be a penalty, and kids would still be in the same school building. He asked if SB 236 would erase the penalty. He opined that the statute unfairly penalizes small districts and prevents them from having charter schools.

MR. LEAVITT responded yes.

[9:10:13 AM](#)

CHAIR HOLLAND asked whether SB 236 would affect other schools in Alaska.

MR. LOVITT replied that it would not.

[9:10:35 AM](#)

MR. KING said that while Hooper Bay's charter school was the only district affected, the statute could cause the same problem for other communities; therefore, the legislation was necessary.

[9:11:13 AM](#)

ELWIN BLACKWELL, School Finance Manager, Department of Education and Early Development (DEED), Juneau, Alaska, replied that no other school or district would be affected by SB 236. Average daily membership (ADM) numbers do not show any other school or district falling under this statute section anytime soon.

SENATOR HUGHES asked Mr. Leavitt when the problem was discovered.

[9:12:16 AM](#)

MR. LOVITT replied that the issue had occurred once before when the school's enrollment exceeded 425 students. The problem was resolved in 2018. The district knew funding would be an issue when the community pushed for a charter school. However, he said he was unsure whether the charter school understood the districtwide impact.

SENATOR HUGHES asked whether the charter school was impacted by the loss of funds since its funding was in place, and she questioned why it took two years to request the change.

[9:13:27 AM](#)

MR. LOVITT replied that the charter school received total funding, and the rest of the district incurred the penalty. He said the request was delayed due to the charter school opening late in the year and legislation failing to gain traction due to Covid shutdowns.

CHAIR HOLLAND responded that he would accept some blame for the delay. He said he had heard of the legislation as a freshman senator and should have given it more attention.

SENATOR HUGHES said that it makes sense that Covid would cause a delay.

[9:14:36 AM](#)

CHAIR HOLLAND held SB 236 in committee.

SB 196-PUBLIC ED: SPEECH, DISCLOSE INST MATERIAL

[9:14:49 AM](#)

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 196." An Act relating to transparency and compelled speech in public education."

[9:15:07 AM](#)

SENATOR LORA REINBOLD, Alaska State Legislature, Juneau, Alaska, sponsor of SB 196, said AS 14.18 addresses prohibition against discrimination based on race or sex in public education. SB 196 bookends this section of the law and adds a new section for curriculum transparency and prohibiting compelled speech and enforcement.

[9:16:33 AM](#)

SENATOR REINBOLD presented the sectional analysis for SB 196:

[Original punctuation provided.]

Section One: AS 14.18.070 is amended to replace the words "this chapter" with the sections 14.18.010-14.18.110 related to affirmative action.

Section Two: AS 14.18.080 Implementation adopted by the board of regents

Section Three: AS 14.18.090 (a) The board shall enforce compliance by school districts and regional educational attendance areas. The board shall institute appropriate proceedings to abate the practices found by the board found to be in violation of AS 14.18.010-14.18.110.

Section Four: Remedies: A person aggrieved by a violation of AS 14.18.010-14.18.110 or of a regulation or procedure adopted under the chapter may file the complaint with the board and has independent right of action in superior court for civil damages and for such equitable relief as the court may determine.

Section Five: Effect is supplementary to and does not supersede existing laws relating to unlawful discrimination based on race or sex.

Section Six: Adds a new section to include transparency, prohibiting compelled speech and enforcement.

Section 14.18.150 Transparency: Curriculum and instructional materials used for teacher and other staff training on nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, bias, or another concept that includes one or more of those concepts will be displayed on the school's website and updated regularly. Instructional material on the website will include the title and author of the material as well as any organization or website associated with the material. 32nd Legislature Committees: Vice Chair Legislative Council Vice Chair Senate State Affairs Senate Member: Legislative Budget & Audit Health & Social Services Joint Armed Services Committee 2/25/22 32-LS0768\O 2

[9:18:17 AM](#)

Section 14.18.160 Prohibiting Compelled Speech: A state agency, school districts' governing body, charter school, or public school may not allow a teacher, administrator, or other employee to include in a course or award course grading or extra credit for political activism, lobbying or effort to persuade members of the executive or legislative branch at local, state, or federal level to take specific action, or any practicum or similar activity involving social or public policy advocacy. An individual by virtue of sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior. Students, teachers, administrators, and other employees have the opportunity to opt out of any speech, training or session.

Section 14.18.170, the Attorney General may commence a civil action in the superior court to enjoin a state agency, school district's governing body, charter school or public school from violating AS 14.18.150 or 14.18.160. Within 60 days after receiving a complete written request, the Attorney General may reconsider, revoke, or modify an advisory opinion at any time.

Section 7: Definitions Public school does not include the University of Alaska or another postsecondary institution, 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, State Agency means a department, office, agency, state board, commission, public corporation, or other organization unit of or created under the executive branch of the state government.

[9:19:33 AM](#)

CHAIR HOLLAND turned to invited testimony on SB 196.

[9:19:50 AM](#)

SENATOR REINBOLD presented a brief biography of Mr. Rufo.

[9:20:49 AM](#)

CHRISTOPHER RUFO, Senior Fellow, Manhattan Institute, Pierce, Washington, said that during Covid, parents became aware that schools used curricula, pedagogies, and teaching materials they disliked. Their concern caused them to take a more active role in their children's education. He stated his belief that this awareness sparked a nationwide movement advocating for restrictions on racially or sexually abusive curriculum materials and for greater transparency. SB 196 would require schoolteachers to provide online access to teaching materials. Teachers already have organized lessons and the ability to post materials online.

[9:22:46 AM](#)

MR. RUFO said he learned through his policy study that teachers welcome parental participation. Over the past thirty years, studies have revealed that parental involvement is one indicator of student success. Transparency does not require a significant expenditure of resources and is predicated on the moral statement, "Parents have the right to know what the government is teaching their children." Transparency satisfies parents' moral right to be informed. It serves the community by promoting involvement in publicly funded institutions, and it makes schools stronger because teachers can share information and receive feedback. Curriculum transparency restores trust in public schools.

[9:25:03 AM](#)

SENATOR REINBOLD provided a brief biography of Mr. Boyle.

[9:26:03 AM](#)

DAVID BOYLE, representing self, Anchorage, Alaska, said the Anchorage School District (ASD) composes nearly 35 percent of

Alaska's student population and values transparency and accountability. He stated his belief that citizens are better served when governmental agencies are transparent. School districts should post all curricula on their websites to be fully transparent but, at a minimum, should post the materials listed in SB 196 that address: diversity, equity, inclusion, race, ethnicity, sex, and bias. Parents need to know what their children are being taught so they can support the learning objectives. Teachers should support posting materials online to keep parents informed since education is a team effort. He opined that if it's important enough to post the school's weekly lunch menu on the school's webpage, then definitely materials addressing diversity, equity, inclusion, ethnicity, race, sex and bias should also be posted there.

[9:27:36 AM](#)

Regarding compelled speech, he provided an anecdotal story of students being given an assignment that promoted a political agenda. He said students should learn about government and the legislative process, but they should not be used to promote political agendas. Furthermore, students should not be compelled to believe that the US is a racist or sexist country. He said evidence that critical race theory (CRT) exists in ASD could be seen in a citizen's survey posted on its website when recruiting for a new superintendent. A desirable quality was, "able to lead district diversity, equity and inclusion efforts." He opined that this references CTR and its principles. The search firm that provided the survey also supports CTR with statements on its webpage like, "we will recognize systemic racism as an equity problem for children's access to a fair, thorough, and effective public education." He stressed that children need to focus on the educational process and be nurtured to have a successful life. No child should feel inferior. SB 196 protects children.

[9:30:16 AM](#)

LEIGH SLOAN, State Director, Alaska Parent's Rights in Education, Anchorage, Alaska, said she has a teaching degree, specializes in gifted education, and homeschools her children. She stated that US schools and universities are fighting an ideological battle that emphasizes not being racist. Yet, society perpetuates racism by paying more attention to skin color than character. Intolerance for varying viewpoints, violence, and suicide are increasing among young people. She shared an anecdotal story of her seven-year-old son not identifying people based on skin color. She opined that youth are taught to discriminate in school. California removed

nondiscrimination language from its constitution a few years ago because it violated values of equity and inclusion. However, equity and inclusion are misnomers for the concepts which cause discrimination and intentional bias.

[9:31:54 AM](#)

MS. SLOAN said the statue of Justice wears a blindfold and holds scales in her hands. Equity removes the blindfold and erodes the principles of equality and opportunity. Equity replaces the blindfold with a magnifying glass that over-emphasizes superficial identifiers like race and gender, thereby reversing years of progress towards non-discrimination. Equity may sound progressive, but it is regressive, promoting toxic tribalism rather than equality of outcome. No child should have to defend the aspects about themselves that they cannot change. Non-discrimination and freedom of speech should be the norm within schools. SB 196 prevents children from being used as weapons for an ideological war they did not start. It promotes non-discrimination and diversity of thought in public schools.

[9:33:32 AM](#)

SENATOR HUGHES said it is important that the issues addressed in SB 196 be discussed because many Alaskan parents have expressed concern. She stated she needs clarification on why SB 196, page 1, line 13, refers to the Board of Regents if SB 196 only applies to K-12 education. She asked if SB 196 applies to post-secondary institutions.

SENATOR REINBOLD stated her belief that SB 196 pertains only to K-12 education but deferred to Mr. Rufo or Mr. Boyle.

CHAIR HOLLAND stated that online connections with Mr. Rufo and Mr. Boyle were lost.

[9:34:53 AM](#)

SENATOR REINBOLD restated her belief that the University of Alaska has oversight of some state standards, but SB 196 pertains to K-12 education.

[9:35:19 AM](#)

SENATOR HUGHES asked for assurance that SB 196 pertains only to grades K-12. She said she receives letters of support and opposition to legislation from students. She asked whether SB 196 would prevent such assignments.

[9:36:44 AM](#)

CHAIR HOLLAND asked if SB 196, page 3, would prevent a civics class from reaching out to local legislators for any reason.

9:37:09 AM

SENATOR REINBOLD replied that it would not be prohibited. A teacher can not force compelled speech based on sex, race, ethnicity, religion, color, or national origin. Students cannot be put in a position of indoctrination. SB 196 encourages free speech and free thinking.

SENATOR MICCICHE arrived.

9:37:39 AM

SENATOR BEGICH opined that the language in SB 196 would prohibit letters from being written to legislators because it does not "allow a teacher, administrator, or other employee to require, include in a course, or award course grading, credit, or extra credit for political activism..." Writing letters could not be part of the course due to grading. He shared an anecdotal story of having a high school class with his friend Mr. Tuckerman Babcock where they were encouraged to express different political ideas and received course credit for their participation. He said he understands that SB 196, Section 6, addresses transparency found in AS 14.1.150 but opined that AS 14.18.160 strikes at the heart of encouraging young people to engage in political philosophy. He stated that he and Mr. Babcock went on to teach a high school course where they shared their political philosophies and encouraged students to develop their perspectives. He said SB 196 is concerning because it has good intent but bad execution. He asked Senator Reinbold what compelled speech problems have occurred in Alaska to make the passage of SB 196 necessary.

9:40:50 AM

SENATOR REINBOLD said that SB 196 does not inhibit activism regarding writing letters except on page 4, line 25, which says a student, teacher, administrator, or other employees may not be compelled "to affirm, adopt, or adhere to a belief or concept..." She said the bookends for SB 196 are on page 4, line 4. She then read SB 196, Section 6, page 4, lines 4-19:

[Original punctuation provided.]

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

(B) an individual, by virtue of sex, race, ethnicity, religion, color, or national origin, is,

consciously or unconsciously, inherently racist, sexist, or oppressive;

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

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

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

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

Senator Reinbold said SB 196 attempts to remove extremes from education.

[9:42:31 AM](#)

SENATOR BEGICH said what Senator Reinbold described in AS 14.18.160, paragraph 2 (SB 196, page 4, lines 4-27) differs from AS 14.18.160, paragraph 1 (SB 196, pages 3-4, lines 28-1). The sections of law in SB 196 are standalone; therefore, awarding course credit for assignments encouraging students to explore political issues would be prohibited

SENATOR BEGICH said he also has a concern regarding SB 196, page 4, lines 2-4, limiting the ability to teach students about historical events involving racism, sexism, and oppression. He opined that a teacher must be able to describe the nature of slavery and WWII and whether there was inherent racism or oppression. He opined that educators should instruct students in critical thinking. He stated his belief that the compelling sections of SB 196 do not get to the intent of transparency. Instead, they restrict the ability of students to learn.

[9:45:29 AM](#)

SENATOR HUGHES said she does not see the conflict in language that Senator Begich described. She said SB 196, page 4, lines 2-3, does not prohibit a teacher from discussing historical events. What is prohibited is a teacher forcing students to affirm, adopt, or adhere to a particular belief because it would keep a student from becoming a critical thinker.

[9:46:36 AM](#)

SENATOR REINBOLD agreed with Senator Hughes and said discussions would be allowed under SB 196.

[9:47:53 AM](#)

CHAIR HOLLAND asked if there was an example of a school that publishes its curriculum online.

SENATOR REINBOLD said schools have the mechanisms necessary to post curricula online due to Covid. She said she did not know whether any school was still posting curriculum. She noted that having the materials online was beneficial to parents.

[9:49:28 AM](#)

SENATOR HUGHES read SB 196, page 3, lines 20-22, "The school shall retain information about training, instructional, and curricular material for at least two years after the material is used." She noted that the foregoing might need a technical change. She asked whether this meant two years after the material was last used or first used.

[9:50:05 AM](#)

SENATOR REINBOLD replied that the sentence reads "after" used, so the two years would be after the moment the curriculum was used.

CHAIR HOLLAND said the interpretation would be the moment after last used.

SENATOR REINBOLD replied correct.

CHAIR HOLLAND restated the interpretation as "used most recently."

[9:50:29 AM](#)

CHAIR HOLLAND said Mr. Boyle was back online and might be able to address the previous concern about the Board of Regents.

[9:50:56 AM](#)

MR. BOYLE said SB 196 only applies to the K-12 educational system. It does not include the university system. He reiterated that SB 196 does not prevent a teacher from discussing historical events. However, it does prohibit using students to advance a specific issue, like assisting a governor in passing his budget. He provided details of the incident and more examples of what might occur in the classroom.

[9:52:50 AM](#)

SENATOR BEGICH said students were introduced to an active approach to civics education in 1977. Juniors and seniors are typically the high school students who choose to participate. He opined that students were not compelled to participate. He asked Mr. Boyle or committee members to provide an instance where students were compelled because it had not happened in his experience. He stated that a governor making a foolish request to ASD did not take away a student's right to decide whether to participate.

[9:53:57 AM](#)

CHAIR HOLLAND cautioned that it is bold to say that students have not experienced assignments that were compelled. He said a reason for requesting transparency in education was to address compelling speech occurring in schools because parents do not think students should have to fight the battle. He opined that parents would be more likely to provide instances of children being compelled to participate in an activity than committee members.

SENATOR BEGICH said he was referring to the compelling element of SB 196, not transparency.

[9:54:38 AM](#)

SENATOR HUGHES said students were compelled to take one position for extra credit in the example Mr. Boyle gave. She stated that SB 196 has language on page 3 that might need to be rewritten. However, according to the bill sponsor, SB 196 would allow students to pick issues and write about them.

[9:55:50 AM](#)

SENATOR REINBOLD said examples of compelling speech would be provided during public testimony on SB 196. She shared quotes from *White Fragility*, a book on racism.

CHAIR HOLLAND asked if the book was used in a school curriculum.

[9:57:43 AM](#)

SENATOR REINBOLD said she would read from an op-ed written on April 15, 2021, by Dave Donely, an Anchorage School Board member. She said the article discusses beliefs about white supremacy, anti-tradition, anti-capitalism, anti-individualism, anti-merit-based system, and all white people being racists:

I have objected to the district endorsing these books on taxpayer funded websites without listing any or recognition of opposing views through literature. I

submitted a list of all the books in publication that present opposing opinions, but the district refused to list them. I objected to the lack of any disclaimer add to the political and partisan content of the books. Only recently under public pressure, did the ASD add a very weak and adequate disclaimer to several of the non-CRT books, but none in opposition to CRT.

9:58:20 AM

SENATOR BEGICH asked for a definition of CRT.

SENATOR REINBOLD replied that she wanted to focus on transparency and dignity. However, she would define critical race theory (CRT) if the committee wanted.

SENATOR BEGICH said he did not need a definition if CRT stands for critical race theory. He asked the committee not to use the acronym CRT in place of the term critical race theory.

CHAIR HOLLAND asked if the quote was from Mr. Donely's op-ed.

SENATOR REINBOLD replied yes.

9:59:00 AM

SENATOR MICCICHE said he was unsure how the topic of discussion changed from compelling behavior to book burning and asked that the committee stick with the issue of compelling speech. He stated that his conservative philosophy was formed by reading works from both sides. Still, he does not support extra credit awarded based on a student having to support a specific position. He opined that SB 196 was too broad in controlling compelling speech. He likes when young people write letters and are freely involved. Discussions at a college level are different and can solidify concepts taught in high school. The issue of compelling students is important to discuss. The state legislature must guard against limiting free exchange in school because that is where students start forming their thoughts. He wondered if there are other examples of compelled behavior within Alaska. He expressed his belief that the word compelling would need to be defined if SB 196 is to move forward.

10:02:41 AM

SENATOR BEGICH said there could be an attorney general enforcement issue. He asked if a legal opinion was obtained regarding whether SB 196 violates constitutional provisions.

10:03:12 AM

SENATOR REINBOLD said she is not aware if there is a legal memo. However, AS 14.18.170 [(a)] says, "The attorney general may..." It does not say "shall," which is an important distinction.

[10:03:58 AM](#)

SENATOR REINBOLD said AS 14.18 addresses the prohibition against discrimination based on sex or race in education. SB 196 delves into the various issues contained AS 14.18 that are already in state statute. As citizens, we must brush up on employment, counseling, and recreation discrimination issues. A lot of these issues are already addressed in law. SB 196 places bookends around race and sex discrimination in education to eliminate extremes.

[10:04:52 AM](#)

CHAIR HOLLAND said the committee would receive feedback from Legislative Legal Services regarding the attorney general issue.

[10:05:02 AM](#)

SENATOR MICCICHE said he would like to review the section regarding the attorney general. He asked for reference numbers.

[10:05:13 AM](#)

SENATOR REINBOLD replied AS 14.18.010 - 14.18.110.

[10:05:46 AM](#)

MR. KING said the committee should consider that AS 14.18 is antidiscrimination law, and the references within that chapter all state "this chapter." The addition of the new subsections was entirely excluded from previous sections. So throughout SB 196, "this chapter" was changed to "AS 14.18.010-14.18.110." Mention of the Board of Regents was to specifically identify that the university is not subject to the new sections.

MR. KING noted a potential gap in SB 196, page 1. The board referenced in AS 14.18.080(a) is the State Board of Education, and by narrowing the range from "this chapter" only through AS 14.18.110, which is existing law, the board might not have the authority to write regulations over the new law. He said it is something that would need to be addressed.

[10:07:09 AM](#)

CHAIR HOLLAND held SB 196 in committee.

[10:07:28 AM](#)

At ease.

10:07:48 AM

CHAIR HOLLAND reconvened the meeting.

10:08:05 AM

There being no further business to come before the committee, Chair Holland adjourned the Senate Education Standing Committee meeting at 10:08 a.m.