

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 15, 2024

8:01 a.m.

MEMBERS PRESENT

Representative Jamie Allard, Co-Chair
Representative Justin Ruffridge, Co-Chair
Representative Mike Prax
Representative CJ McCormick
Representative Tom McKay
Representative Rebecca Himschoot
Representative Andi Story

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 55

"An Act relating to allocations of funding for the Alaska Workforce Investment Board; and providing for an effective date."

- MOVED CSHB 55(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 274

"An Act relating to screening reading deficiencies and providing reading intervention services to public school students enrolled in grades kindergarten through three."

- MOVED CSHB 274(EDC) OUT OF COMMITTEE

HOUSE BILL NO. 183

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 55

SHORT TITLE: EXTEND WORKFORCE INVEST BOARD ALLOCATIONS

SPONSOR(S): REPRESENTATIVE(S) CARRICK

02/01/23	(H)	READ THE FIRST TIME - REFERRALS
02/01/23	(H)	EDC, L&C, FIN
01/31/24	(H)	EDC AT 8:00 AM DAVIS 106
01/31/24	(H)	Heard & Held
01/31/24	(H)	MINUTE(EDC)
02/12/24	(H)	EDC AT 8:00 AM DAVIS 106
02/12/24	(H)	Heard & Held
02/12/24	(H)	MINUTE(EDC)
02/14/24	(H)	EDC AT 8:00 AM DAVIS 106
02/14/24	(H)	Scheduled but Not Heard
03/13/24	(H)	EDC AT 8:00 AM DAVIS 106
03/13/24	(H)	Heard & Held
03/13/24	(H)	MINUTE(EDC)
03/15/24	(H)	EDC AT 8:00 AM DAVIS 106

BILL: HB 274

SHORT TITLE: SCREENING/READING INTERVENTION K-3

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/18/24	(H)	READ THE FIRST TIME - REFERRALS
01/18/24	(H)	EDC, FIN
03/13/24	(H)	EDC AT 8:00 AM DAVIS 106
03/13/24	(H)	Heard & Held
03/13/24	(H)	MINUTE(EDC)
03/15/24	(H)	EDC AT 8:00 AM DAVIS 106

BILL: HB 183

SHORT TITLE: DESIGNATE SEX FOR SCHOOL-SPONSORED SPORTS

SPONSOR(s): ALLARD

04/28/23	(H)	READ THE FIRST TIME - REFERRALS
04/28/23	(H)	EDC, JUD
03/15/24	(H)	EDC AT 8:00 AM DAVIS 106

WITNESS REGISTER

LARRY WHITEMORE, Retired Coach
 Alaska High School Hall of Fame
 Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 183.

REPRESENTATIVE BARBARA DEE EHARDT
 Idaho State Legislature
 Boise, Idaho

POSITION STATEMENT: Gave invited testimony in support of HB 183.

RILEY GAINES, Retired
NCAA Swimmer
Gallatin, Tennessee

POSITION STATEMENT: Gave invited testimony in support of HB 183.

MATTHEW SHARP, Senior Counsel
Director of Center for Public Policy
Alliance Defending Freedom
Atlanta, Georgia

POSITION STATEMENT: Gave invited testimony in support of HB 183.

MARGRET BERGERUD, Legislative Counsel
Legislative Legal Services
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 183.

ACTION NARRATIVE

[8:01:40 AM](#)

CO-CHAIR JAMIE ALLARD called the House Education Standing Committee meeting to order at 8:01 a.m. Representatives McCormick, McKay, Story, Allard, and Ruffridge were present at the call to order. Representatives Prax and Himschoot arrived as the meeting was in progress.

The committee took at at-ease from 8:02 a.m. to 8:04 a.m.

HB 55-EXTEND WORKFORCE INVEST BOARD ALLOCATIONS

[8:04:11 AM](#)

CO-CHAIR ALLARD announced that the first order of business would be HOUSE BILL NO. 55, "An Act relating to allocations of funding for the Alaska Workforce Investment Board; and providing for an effective date." [Before the committee, adopted as a working document on 3/13/24, was the proposed committee substitute (CS) for HB 55, Version 33-LS0360\R, A. Radford, 2/13/24.]

CO-CHAIR RUFFRIDGE moved to report CSHB 55, Version 33-LS0360\R, A. Radford, 2/13/24, out of committee with individual recommendations and the accompanying fiscal notes. There being

no objection, CSHB 55(EDC) was reported out of the House Standing Education Committee.

[8:05:17 AM](#)

The committee took an at-ease from 8:05 a.m. to 8:10 a.m.

HB 274-SCREENING/READING INTERVENTION K-3

[8:10:55 AM](#)

CO-CHAIR ALLARD announced that the next order of business would be HOUSE BILL NO. 274, "An Act relating to screening reading deficiencies and providing reading intervention services to public school students enrolled in grades kindergarten through three."

[8:11:12 AM](#)

REPRESENTATIVE MCCORMICK moved to adopt Amendment 1 to HB 274, labeled 33-GH2315\A.1, Bergerud, 3/14/24, which read as follows:

Page 1, line 2, following "**three**":

Insert "**; and relating to funding for reading improvement plans**"

Page 3, following line 18:

Insert a new bill section to read:

"* **Sec. 3.** AS 14.30 is amended by adding a new section to read:

Sec. 14.30.773. Support for reading improvement plans. The state shall provide to a school district, for each student in grades kindergarten through three who is determined to have a reading deficiency based on the statewide screening or assessment tool, \$1,000 to provide the support, intervention, and services the student needs for the student's reading improvement plan, including teacher and paraprofessional career development."

CO-CHAIR ALLARD objected for the purpose of discussion.

REPRESENTATIVE MCCORMICK opined that if HB 274 were to be successful, funding must be provided to districts so they can intervene. If the state wished to impose the requirements, then the necessary resources must be allocated, he said.

[8:12:01 AM](#)

REPRESENTATIVE STORY related that she heard from many districts and families about getting kids to read by the third grade and that there is a lot of training to be done. She offered her belief that the money should be targeted and transparent and stated that she fully supported Amendment 1.

CO-CHAIR RUFFRIDGE presumed the language was similar to the language in the vetoed SB 140 and offered his understanding that it was \$500.

REPRESENTATIVE MCCORMICK explained that it was "practically identical" to that language, but he chose the \$1,000 because it is the type of funding the state needed to be successful.

[8:13:19 AM](#)

REPRESENTATIVE HIMSCHOOT asked if this is tied to another bill, recollecting an amount of \$1,000.

REPRESENTATIVE MCCORMICK replied that he was not sure, other than SB 140.

[8:13:45 AM](#)

REPRESENTATIVE MCKAY asked whether there was a fiscal note.

REPRESENTATIVE MCCORMICK responded that he was not sure it was a requirement for an amendment.

[8:14:21 AM](#)

CO-CHAIR ALLARD stated that she would not support the amendment.

REPRESENTATIVE STORY said she put forward \$1,000 due to other states having a similar amount.

[8:15:00 AM](#)

REPRESENTATIVE HIMSCHOOT said Amendment 1 would provide for individual reading improvement plans and once the amendment passed, the fiscal note would not be as much as was thought. The proposed amendment would provide \$1,000 per student for well under 40,000 students, she confirmed.

[8:15:30 AM](#)

CO-CHAIR RUFFRIDGE moved to adopt Conceptual Amendment 1 to Amendment 1, on page 1, line 10, to delete \$1,000 and insert \$500.

CO-CHAIR ALLARD objected for the purpose of discussion.

CO-CHAIR RUFFRIDGE explained he wished to keep the language in the same vein as "language that was supported and heard previously."

[8:16:23 AM](#)

CO-CHAIR ALLARD offered her understanding that Commissioner Bishop was not in support of the amendment and that she supported the Department of Education and Early Development (DEED).

[8:16:43 AM](#)

REPRESENTATIVE STORY remarked that she spoke with Commissioner Bishop and offered her understanding that the commissioner supported strategic intervention.

[8:16:58 AM](#)

REPRESENTATIVE MCCORMICK expressed his understanding that allocating funding for the Alaska Reads Act is something the commissioner supports. He said he would not support Conceptual Amendment 1 to Amendment 1.

[8:17:39 AM](#)

A roll call vote was taken. Representatives McKay, Story, Himschoot, Allard, and Ruffridge voted in favor of Conceptual Amendment 1 to Amendment 1. Representatives Prax and McCormick voted against it. Therefore, Conceptual Amendment 1 to Amendment 1 was adopted by a vote of 5-2.

[8:18:43 AM](#)

The committee took a brief at-ease at 8:18 a.m.

[8:18:47 AM](#)

CO-CHAIR ALLARD circled back to Amendment 1, as amended.

[8:19:57 AM](#)

REPRESENTATIVE MCCORMICK expressed that he was disappointed to see the dollar amount cut down to \$500 and the necessary resources not being allocated; in addition, districts are being put in a dire financial situation. He added that the Bush is colder with lack of road systems and lacks the climate necessary to "grow money trees," and he emphasized that any support from the state goes a long way.

[8:21:03 AM](#)

CO-CHAIR ALLARD maintained her objection to Amendment 1, as amended.

A roll call vote was taken. Representatives Story, Prax, McCormick, McKay, Himschoot, and Ruffridge voted in favor of Amendment 1, as amended. Representative Allard voted against it. Therefore, Amendment 1, as amended, was adopted by a vote of 6-1.

[8:21:57 AM](#)

The committee took an at-ease from 8:21 a.m. to 8:22 a.m.

[8:22:32 AM](#)

REPRESENTATIVE MCCORMICK moved to adopt Amendment 2 to HB 274, as amended, labeled 33-GH2315\A.2, Bergarud, 3/14/24, which read as follows:

Page 3, line 8:

Delete "**and** not later than 15 [45] days before the end of the school year"

Insert "[NOT LATER THAN 45 DAYS BEFORE THE END OF THE SCHOOL YEAR]"

CO-CHAIR ALLARD objected for the purpose of discussion.

REPRESENTATIVE MCCORMICK explained that the number of days stipulated for the intervention to be conducted is not possible for districts to be able to meet. He stated that he brought the amendment forth to strike the requirement.

[8:23:42 AM](#)

The committee took a brief at-ease at 8:23 a.m.

[8:23:44 AM](#)

REPRESENTATIVE MCCORMICK [moved to withdraw] Amendment 2.
[There being no objection, Amendment 2 was withdrawn.]

[8:24:56 AM](#)

CO-CHAIR RUFFRIDGE moved to report HB 274, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[8:25:15 AM](#)

REPRESENTATIVE MCCORMICK objected.

A roll call vote was taken. Representatives Story, Prax, McKay, Himschoot, Allard, and Ruffridge voted in favor of the motion to report HB 274, as amended, out of committee with individual recommendations and the accompanying fiscal notes. Representative McCormick voted against it. Therefore, CSHB 274(EDC) was reported out of the House Education Standing Committee by a vote of 6-1.

[8:25:57 AM](#)

The committee took at at-ease from 8:25 a.m. to 8:29 a.m.

[8:29:38 AM](#)

CO-CHAIR ALLARD passed the gavel to Co-Chair Ruffridge.

[8:29:48 AM](#)

The committee took an at-ease from 8:29 a.m. to 8:36 a.m.

HB 183-DESIGNATE SEX FOR SCHOOL-SPONSORED SPORTS

[8:36:03 AM](#)

CO-CHAIR RUFFRIDGE announced that the final order of business would be HOUSE BILL NO. 183, "An Act relating to school athletics, recreation, athletic teams, and sports; and providing for an effective date."

[8:36:21 AM](#)

CO-CHAIR ALLARD, as prime sponsor, presented HB 183. She read from the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

It is in our very recent history that women – and the men who champion them – have had to fight for women’s rights and equality in our society. Can you believe it has barely been 100 years since women were granted the right to vote? Since then, we have come a long way, with legislation supporting and protecting women’s rights and protecting us from discrimination. Our culture has embraced and advanced the notion that women deserve the same opportunities as men. And we have made leaps and bounds in opportunities available to women and girls to participate in sports.

Girls who participate in sports reap huge benefits for a lifetime. They gain confidence, good habits, strong bodies, and bones, and have a lower chance of osteoporosis, breast cancer, and depression. They have a more positive body image and higher levels of self-esteem. They grow into strong women who are leaders and role models in our communities. They carry the lessons learned far beyond the playing field. And thanks to Title IX, their right to equal opportunities in sports and education is federally protected.

Title IX states that, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.” We can thank our very own Senator Ted Stevens for this legislation which has protected and promoted women in sports since its passage in 1972. The impact of this legislation is profound. Before 1972, one in 27 girls participated in sports. That number is now two in five! Girls’ participation in high school sports has increased by roughly 1000 percent. It has opened the door to more sports scholarship opportunities for women and for women to turn their sport into a career. We could even say that the effects of more women in sports has rippled out across all sectors, breaking glass ceilings and elevating women as equals in our nation and even around the world.

So, what happens when a biological male enters the ring of women's sports? Being biologically bigger, stronger, faster, their physical advantage over women is anything but equal. It takes our nearly level playing field, which we fought so hard to achieve, and reduces it to women finishing second again. Women have worked hard to get where we are today. To set us back 100 years is unacceptable.

When there were threatened changes to Title IX, Sen. Ted Stevens said: "Having lived this long with Title IX, I'm going to urge Congress not to support any changes that could have an adverse effect on the progress that has already been made under Title IX. We want more progress." Stevens was the guardian angel of women in athletics. He would not stand by and allow culture wars to rob our girls and women of the progress we have fought so hard to gain.

As a mom of two daughters, I would like to encourage the State legislature in a bipartisan effort to support "An Act relating to school athletics, recreation, athletic teams, and sports." This bill HB 183 acknowledges the biological differences and disparities between men and women and requires students to play according to their biological sex. Our girls deserve a fair playing field. They deserve the chance to win first place, scholarships, and gold medals.

Like US Senator Ted Stevens, I will be a champion for our girls and women. I have endured discrimination and have conquered obstacles, like my mom and grandmother and great-grandmother before me, so that my daughters don't have to. I don't do this for me, I do it for them. We fight for all our daughters. Expecting women to be physically equal to men is not equality. Equality is giving women the same opportunities as men. But if forced to physically compete against biological males, women will be disadvantaged once again. If men can compete as "better" versions of women, all of our progress for equality is dead.

[8:40:59 AM](#)

CO-CHAIR ALLARD gave the sectional analysis to HB 183 [included in the committee packet], which read as follows [original punctuation provided]:

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 indirect 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).

[8:41:40 AM](#)

CO-CHAIR RUFFRIDGE announced the committee would hear invited testifiers.

[8:42:17 AM](#)

LARRY WHITEMORE, Retired Coach, Alaska High School Hall of Fame, gave invited testimony in support of HB 183 and provided his background as an official in sports. He explained the differences between biological females and biological males. He related the emotional and physical difficulties "each month" that females go through, which effects their performance. He further explained that the [mixed] competition is unfair and everyone should be allowed to compete but on a fair and equal playing field. Title 9 must be protected, he said, to save women's sports from the unfairness of biological males competing against biological females. He suggested having three divisions: women's, men's, and a transgender division so everyone would have an opportunity to participate in a fair and equitable manner.

[8:47:19 AM](#)

The committee took a brief at-ease at 8:47 a.m.

[8:47:23 AM](#)

REPRESENTATIVE BARBARA DEE EHARDT, Idaho State Legislature, provided her background as an athlete and coach and gave invited testimony in support of HB 183. She explained that "sports are about winning," especially at the collegiate level, and gave examples of her experience in competitions. She added that winning also plays a big role in coaches being able to keep their jobs. She opined that if "we" are willing to accept "just one boy," then everyone else's role on the team changes and everyone must adjust. She thanked the committee for addressing the issue and offered to stay online for questions.

[8:52:46 AM](#)

RILEY GAINES, Retired, NCAA Swimmer, gave invited testimony in support of HB 183 to protect women's sports at all levels of competition, she said. She related her experience of having witnessed Lia Thomas [a transgender woman swimmer] win a women's national title, beating out the most impressive and accomplished women in the sport. She said it was clear to her that the NCAA had reduced everything women had worked their entire lives for. In addition to losing trophies, they were required to dress in front of this "male," fully exposing himself, and they were not asked for their consent, nor did they give it. This person was not a "one off," and there are many more similar stories across the nation. She further related scientific facts that have proven that men have an athletic advantage over females which is evident in almost every sport, and hormone therapy cannot close this gap. Allowing men to play women's sports is risky, unfair, discriminatory, and must stop, she said. She implored the committee to vote in favor of HB 183 and for the bill to be amended to include college athletes.

[8:56:54 AM](#)

MATTHEW SHARP, Senior Counsel, Director of Center for Public Policy, Alliance Defending Freedom, gave invited testimony in support of HB 183. He stated that his firm represented many female athletes throughout several states who lost out on championships and other athletic opportunities to biological males. Women deserve to be on a level playing field, he said, and it destroys fair competition as men will always have a physical advantage. There are more instances where men are taking away awards and women are losing out; therefore, laws like HB 183 are becoming more urgent than ever and he requested an amendment to include collegiate athletes so they can receive full protection under the bill. He explained that federal courts have long recognized it is constitutional to have separate programs based on biological sex including sports teams and locker rooms. He concluded his testimony and urged the passing of HB 183.

[9:02:13 AM](#)

CO-CHAIR RUFFRIDGE invited questions from committee members.

[9:02:28 AM](#)

REPRESENTATIVE HIMSCHOOT noted Ms. Gaines had shared numerous statistics and asked her to state how many transgender people make up the general population.

MS. GAINES answered that she could not give an accurate percentage but estimated 1 percent.

REPRESENTATIVE HIMSCHOOT echoed less than 1 percent.

MS. GAINES responded with an example in which 14,000 female athletes "were displaced by one male athlete."

REPRESENTATIVE HIMSCHOOT noted that two schools in her district are under threat of closure as a result of the state's inability to fund them while the bill before the committee addresses less than one percent of the population of the nation.

MS. GAINES stressed the worthiness of privacy, safety, and equal opportunities for women, and she said she is disheartened to hear [Representative Himschoot] sound as if women are undeserving of those things.

CO-CHAIR ALLARD commented that the bill is as important as any other bill brought forward in the body.

CO-CHAIR RUFFRIDGE noted that it is an emotion-filled day and asked everyone to keep comments as kind and clear as possible.

[9:05:18 AM](#)

REPRESENTATIVE HIMSCHOOT asked Mr. Sharp whether he could provide examples in Alaska.

MR. SHARP replied he did not have specific examples.

REPRESENTATIVE HIMSCHOOT asked Mr. Whitmore if he could state the mission, vision, and value statements for the Alaska School Activities Association.

MR. WHITMORE sought clarity.

REPRESENTATIVE HIMSCHOOT shared the mission statement and stated she had no further questions for Mr. Whitmore.

[9:07:22 AM](#)

REPRESENTATIVE MCKAY reflected on Representative Himschoot asking for examples of "these problems" in Alaska and related a recent story of "a biological male exposing himself" in the Alaska Club in Wasilla.

[9:08:07 AM](#)

REPRESENTATIVE STORY asked the bill sponsor how much work had been done with Legislative Legal Services, and how the proposed legislation would impact student privacy and Alaska law.

CO-CHAIR ALLARD confirmed she had worked with Legislative Legal Services for the bill to be defined legally and not discriminate against any athletes across the board.

[9:10:04 AM](#)

MR. WHITMORE referred to previous conversation about any evidence of instances in Alaska, and he offered a story about "a male" from Tok Junction who said he was female and could compete [in track] because "he" was only "one person" and it wouldn't make a difference. When parents found out their daughter lost to "a biological male" and did not make finals, they were devastated, he said, and this example is only one small part of what is a "cancer" that will spread through women's sports and destroy them.

[9:11:50 AM](#)

REPRESENTATIVE MCCORMICK reflected on Representative McKay's story, among others, and stated he did not appreciate anecdotes and throwing stories out that are unverifiable. He stated he found it difficult to feel calm about a bill he knows is going to "kill kids" in his district. He noted the potential for schools to be sued if they are not in compliance with the bill and the aftermath that could ensue. He asked the bill sponsor whether she had given that any consideration.

CO-CHAIR ALLARD pointed out that the bill clearly states schools cannot be sued. She offered an additional story that supported the proposed legislation in reference to a male competing in a female competition leaving the female athletes devastated and exhausted. She stated that she also supports her own rights as a woman not to be discriminated against. She stressed that her concern is more about the discrimination that has already started.

[9:15:23 AM](#)

REPRESENTATIVE MCCORMICK said he appreciated Representative Allard's comments, but asked whether she gave thought to acts of violence against transgender individuals, and he acknowledged a recent case of a transgender individual who had been hospitalized.

CO-CHAIR ALLARD responded that the bill is brought forward to protect against the hatred and abuse that has been formed against women and girls in sports by being exposed to males. She said she could not speak to others being attacked but that right now women are being attacked and marginalized, and she stressed the importance of the bill.

REPRESENTATIVE MCCORMICK stated that transwomen are women, and agreed only that women are discriminated against in that context.

CO-CHAIR ALLARD specified that she and Representative McCormick are not in concurrence. She expressed her belief that "biological males are biological males and men, and women are biological women and girls."

[9:17:20 AM](#)

REPRESENTATIVE HIMSCHOOT read from page 2, lines 26 to 28 in the bill and sought confirmation that schools cannot be sued.

CO-CHAIR ALLARD wished to bring Mr. Sharp in to address Representative Himschoot.

MR. SHARP explained that the bill operates to make sure schools comply with the law to ensure females competing in sports are protected and it provides a liability. There would be a legal remedy available to women in the event of a school refusing to protect fairness for young women playing on its sports teams.

REPRESENTATIVE HIMSCHOOT asked Mr. Sharp whether an individual [emphasis on "individual"] could still sue the school district.

MR. SHARP reiterated that if the school were breaking the law, there would be a legal remedy available for a young woman.

REPRESENTATIVE HIMSCHOOT then asked whether a trans woman could sue the school.

MR. SHARP answered that under the proposed bill, only a young woman who is denied an opportunity and suffered a harm could sue. He indicated that "a man that's wanting to compete on a women's team" is not "a right given under this"; therefore, there would be no legal basis to sue the school. He clarified, "This is only protecting athletes that are deprived opportunities because of a man competing on a women's team."

REPRESENTATIVE HIMSCHOOT referred to a "right to win" in athletics and asked whether a short woman who chooses to play basketball and is surrounded by tall women still has a right to win.

MR. SHARP responded that there is a right to a fair and equal playing field, which is one of the things Title 9 was enacted to do. He added that women were being denied equal opportunities and HB 183 would fulfill the original intent of Title 9.

[9:21:33 AM](#)

REPRESENTATIVE PRAX opined that as a society, we need to "back off a bit," winning isn't everything, and things are getting carried away in general. He related a story of a high school volleyball game recently where ladies were covered by a young man on the team; however, he said no one seemed to mind. He shared his thought to "maybe go back to co-ed sports" and not worry about scholarships and winning being everything.

[9:23:46 AM](#)

CO-CHAIR ALLARD drew attention to page 2 of HB 183 and began reading on line 9. She explained that while the bill is "being inclusive," there cannot be mixed, co-ed sports.

[9:24:24 AM](#)

CO-CHAIR RUFFRIDGE questioned the cost to districts or the state for the bill being enacted.

CO-CHAIR ALLARD confirmed there is a zero fiscal note and the bill would not generate a cost unless there were regulations or policy changes.

CO-CHAIR RUFFRIDGE referred to page 2, lines 15 through 20, and brought up "reverse language." He offered his belief that the Alaska Constitution asks for equal protection, and he questioned

whether the language in the bill would violate that since it only goes "in one direction."

CO-CHAIR ALLARD replied no but added that she personally thought women should not participate in male sports because "you can't have it both ways."

[9:27:11 AM](#)

REPRESENTATIVE HIMSCHOOT interjected a point of order and asked whether questions could be directed to Alaska's own legal department instead of Mr. Sharp.

CO-CHAIR RUFFRIDGE explained that no one from Legislative Legal Services was present but they still could answer any questions Representative Himschoot had.

[9:27:57 AM](#)

MR. SHARP explained the specifics in Title 9 about women competing, and that in certain sports where there is only a men's team available, women could compete. Title 9 was written in a way as a "one way street," and to ensure equal opportunities for young women, men cannot be allowed to come in and take away opportunities which would therefore deny young women of those opportunities. He further explained that the goals behind the second point of the Equal Protection Clause are not violated.

[9:29:31 AM](#)

CO-CHAIR RUFFRIDGE referred to taking someone's place [on a team] and questioned whether the assumption is that if a woman were to compete on a man's team, the woman would not be taking a spot from a man.

MR. SHARP responded that the courts have been very consistent in preserving the integrity of women's sports and not allowing men to come in and take those opportunities away.

CO-CHAIR RUFFRIDGE referred to Ms. Bergerud's verbiage in her legal memorandum dated March 14, 2024, and the legal concerns with HB 183, particularly on question number 2.

[9:31:12 AM](#)

MARGRET BERGERUD, Legislative Counsel, Legislative Legal Services, answered questions during the hearing on HB 183. She offered her belief that the bill is subject to challenge on equal protection grounds. She referenced an analysis of a preliminary junction related to the Idaho law that has been discussed in this hearing that distinguish cisgender males who wish to play on sports teams from transgender women who wish to play on women's sports teams. The bill singles out transgender women in a way that it does not single out cisgender women or men or transgender men. It had been decided in the Ninth Circuit [Court of Appeals] that these types of divisions in the law are subject to scrutiny, she explained. She added that the bill is also subject to challenge under the Alaska Constitution's Equal Protection Clause.

[9:33:33 AM](#)

CO-CHAIR RUFFRIDGE asked Ms. Bergerud whether she felt comfortable talking through the case she referenced "in her document" and describing the grounds for that and the results.

CO-CHAIR ALLARD interposed that Legislative Legal Services have been using terms that she is not familiar with and asked for more clarity when using these references.

[9:34:41 AM](#)

MS. BERGERUD clarified that the Idaho law that the Ninth Circuit Court analyzed banned transgender girls - individuals who transition from male to female - from competing on school athletic teams that were reserved for girls. This was challenged by plaintiffs who were transgender women playing on a team.

[9:36:40 AM](#)

CO-CHAIR RUFFRIDGE asked Ms. Bergerud whether there was language in the bill similar to the Idaho law regarding what she called "intrusive medical procedures" and whether in her legal opinion it puts the bill in a slightly different category but its challenge to be put into law remains a concern either way.

MS. BERGERUD offered her belief that the bill would still be subject to the same challenge due to not having a ruling on the merits yet; therefore, it is hard to weigh in on the weight the Ninth Circuit Court gave to a medical procedure issue when making its determination.

[9:38:10 AM](#)

REPRESENTATIVE STORY read from page 2, lines 15 to 20, and cited the word "may" use a birth certificate to establish a participant's biological sex. She asked the bill sponsor how she visualized the school districts verifying that.

CO-CHAIR ALLARD replied that the language could be changed to read "shall" but currently it is left up to the school districts to determine whether they would like to use a birth certificate to verify. She added that she welcomed amendments.

REPRESENTATIVE STORY stated she did not want to make an amendment for the language and noted her concern about violating the privacy rights of students.

CO-CHAIR ALLARD stated that the bill is strategic and careful, and the only rights being violated are against women.

REPRESENTATIVE STORY asked whether Legislative Legal Services could explain the rationale.

[9:40:45 AM](#)

MS. BERGERUD, addressing Representative Story, replied that a person's sex or gender identity is considered private information and the amount of protection given is an open question under Alaska's Constitution currently. She further noted that Alaska's Constitution provides greater privacy rights than the Constitution of the United States.

CO-CHAIR RUFFRIDGE mentioned that due to time constraints, public testimony on HB 183 would be rescheduled. He apologized to those waiting and encouraged people to e-mail their testimony to the committee.

[9:42:40 AM](#)

REPRESENTATIVE MCKAY disagreed that it is an invasion of privacy when one is asked to provide a birth certificate and related that he has 5 kids and always had to provide birth certificates for various things.

CO-CHAIR RUFFRIDGE added that the bill indicated that the participant's birth certificate would be the method used and

asked Ms. Bergerud whether there were privacy issues with that method.

MS. BERGERUD explained that the underlying issue is not about providing birth certificates to a school but more so about the school exposing someone's gender identity they were keeping private, resulting in removal from a team, for example. The privacy issue is about the school giving information to the public.

[9:44:50 AM](#)

CO-CHAIR ALLARD reminded the public and the body that in order for a child to attend school, a birth certificate must be provided, one of the reasons being that they are the correct age to get started therefore, she argued that the [birth certificate] already has been made public.

[9:45:59 AM](#)

REPRESENTATIVE MCCORMICK offered his belief that there may be situations where an individual's birth certificate could be disputed, which in turn could lead to a school district needing to access privileged health information. He sought clarity whether that would be a Health Insurance Portability and Accountability Act (HIPAA) violation.

MS. BERGERUD replied that she was not aware if Alaska is a state that allows a transgender individual to get a new birth certificate, and she offered her understanding that a new birth certificate voids any prior birth certificate.

[9:48:44 AM](#)

CO-CHAIR ALLARD offered her understanding that birth certificate changes in Alaska are allowed but that the bill clearly stated it refers to the birth certificate at birth. She requested that Mr. Sharp comment on the topic.

CO-CHAIR RUFFRIDGE asked for confirmation that Alaska is in fact a state where one can change their birth certificate.

[9:49:54 AM](#)

MS. BERGERUD reiterated that she was unaware whether Alaska was a state that allowed for a change of sex on an original birth

certificate, but she could get the information to the committee at a later date.

[9:50:14 AM](#)

MR. SHARP added that he was of the belief that Alaska allowed birth certificate changes and that the bill was written with a designation referencing an original birth certificate for an accurate reflection. He further explained it adds to an eligibility in sports rule: an individual must be biologically female to compete on a female team.

[9:51:49 AM](#)

REPRESENTATIVE MCCORMICK directed a concern to Representative Ehardt and stated he was curious about the effects on trans children when "they are forced play in a sport that does not coincide with their gender identity."

REPRESENTATIVE EHARDT gave examples of athletes who competed as males and did well, but not great, until after they decided to compete as women. She stated that she believed the beauty of the proposed legislation is to make very clear that if an individual wished to compete, it must be with their biological sex. Competition is encouraged, she said, and physicals include asking about a person's biological sex in addition to questions such as asking whether one has ever been hospitalized or is taking any medications, which fall under doctor's questions that are pertinent to the safety of the individual.

[9:55:38 AM](#)

CO-CHAIR RUFFRIDGE invited closing comments.

[9:55:43 AM](#)

CO-CHAIR ALLARD thanked the committee and acknowledged the public testifiers who were waiting but unable to testify. In addition, she recognized that Larry Whitmore is the only Alaska coach inducted into the National High School Hall of Fame, and his experience is invaluable. In reference to birth certificates, she added that they are already intrusive, and one must have physicals to participate in sports. She concluded by encouraging the committee to move HB 183 out of committee.

[9:56:34 AM](#)

CO-CHAIR RUFFRIDGE thanked invited testifiers and members of the public who joined online but were unable to testify. He reassured the public that public testimony would be opened at a later date.

CO-CHAIR RUFFRIDGDE announced that HB 183 was held over.

[9:57:09 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:57 a.m.