

Original sponsor: Rudd

Offered: 4/1/77
Referred: Rules

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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CS FOR HOUSE BILL NO. 287

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act prohibiting sex discrimination in education in
7 the state and implementing art. I, sec. 3 of the Alaska
8 Constitution."

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

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* Section 1. AS 14 is amended by adding a new chapter to read:

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CHAPTER 18. PROHIBITION AGAINST DISCRIMINATION

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BASED ON SEX IN PUBLIC EDUCATION IN ALASKA.

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Sec. 14.18.010. LEGISLATIVE PURPOSE. Recognizing the benefit to
our state and nation of equal educational opportunities for all stu-
dents, and equal employment opportunity for public education employees,
discrimination on the basis of sex against any employee or any student
in public education in Alaska is prohibited. No person in Alaska shall,
on the basis of sex, be excluded from participation in, be denied the
benefits of, or be subjected to discrimination under any education
program or activity receiving federal or state financial assistance.
Inequality in educational opportunities at all levels of public educa-
tion in Alaska is a breach of art. I, sec. 3 of the Constitution of the
State of Alaska which requires equal treatment of all citizens regard-
less of sex.

Sec. 14.18.020. DISCRIMINATION IN EMPLOYMENT PROHIBITED. All
levels of public education in the state shall

(1) maintain credential requirements for all personnel with-
out regard to sex;

(2) make no differentiation in pay scale on the basis of sex;

1 (3) assign duties without regard to sex except when the
2 assignment would require duty in areas or situations such as, but not
3 limited to, a shower room, where persons might be disrobed;

4 (4) provide the same opportunities for advancement to males
5 and females; and

6 (5) make no difference in conditions of employment, including
7 but not limited to hiring practices, leaves of absence, hours of employ-
8 ment, and assignment of or pay for instructional and noninstructional
9 duties on the basis of sex.

10 Sec. 14.18.030. DISCRIMINATION IN COUNSELING AND GUIDANCE SERVICES
11 PROHIBITED. All guidance and counseling services are available to all
12 students equally. All certificated personnel are required to stress
13 access to all career and vocational opportunities to students without
14 regard to sex.

15 Sec. 14.18.040. DISCRIMINATION IN RECREATIONAL AND ATHLETIC
16 ACTIVITIES PROHIBITED. (a) Public education must provide an equal
17 opportunity for both sexes in athletics and in recreation in a manner
18 which is commensurate with the interests of each sex. Separate school-
19 sponsored teams may be provided for each sex. When separate school-
20 sponsored teams are not provided in a particular sport, females and
21 males must be allowed to compete equally for places on the school-
22 sponsored team. Schools which sponsor separate teams in particular
23 sports shall provide equipment and supplies, medical care, services and
24 insurance, transportation and per diem allowances, opportunities to
25 receive coaching and instruction, laundry services, uniforms, assignment
26 of game officials, opportunities for competition, publicity and awards,
27 and scheduling of games and practice times, including use of courts,
28 gyms, and pools, in substantially identical fashion to each team with no
29 disparities based on sex. Each school which provides showers, toilets,

1 or training-room facilities for athletic or recreational purposes shall
2 provide comparable facilities for both sexes, either as separate facil-
3 ities or as scheduled and used separately by each sex.

4 (b) School authorities shall divide available evening times for
5 athletic events fairly between events for each sex.

6 (c) The state Board of Education and the Board of Regents shall
7 develop a survey for distribution each year to students in each public
8 educational institution in the state to determine student interest
9 relative to male and female participation in specific sports.

10 Sec. 14.18.050. DISCRIMINATION IN COURSE OFFERINGS PROHIBITED.
11 All classes are available to all students without regard to sex. Sepa-
12 ration of the sexes is permitted during sessions on sex education or
13 during participation in physical education activities when the purpose
14 or major activity involves bodily contact.

15 Sec. 14.18.060. DISCRIMINATION IN TEXTBOOKS AND INSTRUCTIONAL
16 MATERIALS PROHIBITED. School boards shall review textbook and instruc-
17 tional materials for evidence of sex or ethnocentric bias every three
18 years and shall utilize educationally sound non-biased texts and other
19 instructional materials as they become available. Teachers shall be
20 trained in methods aimed toward decreasing the damaging effects of sex-
21 biased materials already in use.

22 Sec. 14.18.070. COMPLIANCE. The commissioner of education shall
23 monitor the compliance by school districts and regional educational
24 attendance areas with this chapter, shall establish a compliance time-
25 table, and shall establish guidelines for affirmative action programs
26 covering both equal employment and equal educational opportunity to be
27 adopted by all school districts and regional educational attendance
28 areas.

29 Sec. 14.18.080. REMEDIES. (a) Any person aggrieved by a viola-

1 tion of this chapter or of any regulation or guideline adopted under
2 this chapter as to primary or secondary education may file a complaint
3 with the commissioner of education or with the Alaska Commission for
4 Human Rights and has an independent right of action in superior court
5 for civil damages and such equitable relief as the court may determine.

6 (b) Any person aggrieved by a violation of this chapter or of any
7 regulation or guideline adopted under this chapter as to postsecondary
8 education may file a complaint with the Alaska Commission for Human
9 Rights and has a independent right of action in superior court for civil
10 damages and such equitable relief as the court may determine.

11 Sec. 14.18.090. ENFORCEMENT BY BOARD OF EDUCATION. (a) The state
12 Board of Education shall enforce compliance by school districts and
13 regional educational attendance areas with the provisions of this chap-
14 ter and the regulations and guidelines adopted under it by appropriate
15 order made in accordance with AS 44.62. After hearing and a finding
16 that a district or a regional educational attendance area is not in
17 compliance with this chapter, and is not actively working to come into
18 compliance, the board shall, as appropriate,

19 (1) order a mandatory affirmative action program within the
20 school district or regional educational attendance area; and

21 (2) institute appropriate proceedings to abate the practices
22 found by the commissioner to be a violation of this chapter; or

23 (3) terminate all or part of state foundation program funds
24 (AS 14.17), funds to regional educational attendance areas (AS 14.08),
25 or any other funds disbursed by the Department of Education to the
26 school district or regional educational attendance area.

27 Sec. 14.18.100. REGULATIONS. The Department of Education and the
28 Board of Regents of the University of Alaska shall adopt regulations
29 under the provisions of the Administrative Procedure Act (AS 44.62) to

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implement this chapter.

Sec. 14.18.110. EFFECT OF CHAPTER. This chapter is supplementary to and does not supersede existing or future laws and regulations relating to unlawful discrimination based on sex.

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