

Introduced: 2/25/77
Referred: Health, Education &
Social Services and Judiciary

1 IN THE SENATE

BY CROFT AND POLAND

2 SENATE BILL NO. 189

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 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."

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

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

11 CHAPTER 18. PROHIBITION AGAINST DISCRIMINATION

12 BASED ON SEX IN PUBLIC EDUCATION IN ALASKA.

13 Sec. 14.18.010. LEGISLATIVE PURPOSE. Recognizing the benefit to
14 our state and nation of equal educational opportunities for all stu-
15 dents, discrimination on the basis of sex against any employee or any
16 student in public education in Alaska is prohibited. No person in
17 Alaska shall, on the basis of sex, be excluded from participation in, be
18 denied the benefits of, or be subjected to discrimination under any
19 education program or activity receiving federal or state financial
20 assistance. Inequality in educational opportunities at all levels of
21 public education in Alaska is a breach of art. I, sec. 3 of the Consti-
22 tution of the State of Alaska which requires equal treatment of all
23 citizens regardless of sex.

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

- 26 (1) maintain credential requirements for all personnel with-
27 out regard to sex;
- 28 (2) make no differentiation in pay scale on the basis of sex;
- 29 (3) assign duties without regard to sex except when the

1 assignment would require duty in areas or situations such as, but not
2 limited to, a shower room, where persons might be disrobed;

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

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

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

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

1 school which provides showers, toilets, or training-room facilities for
2 athletic or recreational purposes shall provide comparable facilities
3 for both sexes, either as separate facilities or as scheduled and used
4 separately by each sex.

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

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

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

16 Sec. 14.18.060. DISCRIMINATION IN TEXTBOOKS AND INSTRUCTIONAL
17 MATERIALS PROHIBITED. Textbooks and instructional materials, including
18 reference books and audio-visual materials, must meet guidelines and
19 criteria developed by the state Board of Education and the Board of
20 Regents to implement this chapter. Teachers shall be trained in methods
21 aimed toward decreasing the damaging effects of sex-biased materials
22 already in use.

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

1 Sec. 14.18.080. REMEDIES. (a) Any person aggrieved by a viola-
2 tion of this chapter or of any regulation or guideline adopted under
3 this chapter as to primary or secondary education may file a complaint
4 with the commissioner of education or with the Alaska Commission for
5 Human Rights and has an independent right of action in superior court
6 for civil damages and such equitable relief as the court may determine.

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

12 Sec. 14.18.090. ENFORCEMENT BY COMMISSIONER OF EDUCATION. (a)
13 The commissioner of education shall enforce compliance with the pro-
14 visions of this chapter and the regulations and guidelines adopted under
15 it by appropriate order made in accordance with AS 44.62. After hearing
16 and a finding that a district or a regional educational attendance area
17 is not in compliance with this chapter, the commissioner shall, as
18 appropriate,

19 (1) terminate all or part of state foundation program funds
20 (AS 14.17), funds to regional educational attendance areas (AS 14.08),
21 or any other funds disbursed by the Department of Education to the
22 offending school district or regional educational attendance area;

23 (2) order a mandatory affirmative action program within the
24 offending school district or regional educational attendance area; and

25 (3) institute appropriate proceedings to abate the practices
26 found by the commissioner to be a violation of this chapter.

27 Sec. 14.18.100. REGULATIONS TO ELIMINATE DISCRIMINATION. The
28 state Board of Education and the Board of Regents shall develop regula-
29 tions and guidelines to eliminate sex discrimination as it applies to

1 school employment, counseling and guidance services to students, recrea-
2 tional and athletic activities for students, access to course offerings,
3 and in textbooks and instructional materials used by students. These
4 guidelines and regulations shall be adopted by July 1, 1978.

5 Sec. 14.18.110. EFFECT OF CHAPTER. This chapter is supplementary
6 to and does not supersede existing or future laws and regulations re-
7 lating to unlawful discrimination based on sex.

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