

Original sponsor: Finance Committee
by request

Offered: 5/25/78
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 600

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act prohibiting sex and age discrimination in edu-
cation in the state."

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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. DISCRIMINATION IN COUNSELING AND GUIDANCE SERVICES

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PROHIBITED. All guidance and counseling services are available to all
students equally. All certificated personnel are required to stress
access to all career and vocational opportunities to students without
regard to sex.

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Sec. 14.18.020. DISCRIMINATION IN RECREATIONAL AND ATHLETIC ACTI-

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VITIES PROHIBITED. (a) Public education must provide an equal oppor-

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tunity for both sexes in athletics and in recreation in a manner which

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is commensurate with the interests of each sex. Separate school-

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sponsored teams may be provided for each sex. When separate school-

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sponsored teams are not provided in a particular sport, females and

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males must be allowed to compete equally for places on the school-

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sponsored team. Schools which sponsor separate teams in particular

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sports shall provide equipment and supplies, medical care, services and

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insurance, transportation and per diem allowances, opportunities to

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receive coaching and instruction, laundry services, uniforms, assignment

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of game officials, opportunities for competition, publicity and awards,

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and scheduling of games and practice times, including use of courts,

1 gyms, and pools, in substantially identical fashion to each team with no
2 disparities based on sex. Each school which provides showers, toilets,
3 or training-room facilities for athletic or recreational purposes shall
4 provide comparable facilities for both sexes, either as separate facil-
5 ities or as scheduled and used separately by each sex.

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

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

12 Sec. 14.18.030. DISCRIMINATION IN COURSE OFFERINGS PROHIBITED.
13 All classes are available to all students without regard to sex. Sepa-
14 ration of the sexes is permitted during sessions on sex education or
15 during participation in physical education activities when the purpose
16 or major activity involves bodily contact.

17 Sec. 14.18.040. NONDISCRIMINATORY INSTRUCTIONAL PROGRAMS. School
18 boards shall review textbooks and instructional programs for evidence of
19 sex or ethnocentric bias every three years. Teachers shall be trained
20 in methods aimed toward decreasing the damaging effects of sex-biased
21 materials already in use.

22 Sec. 14.18.050. 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. 14.18.060. 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 an independent right of action in superior court for
10 civil damages and such equitable relief as the court may determine.

11 Sec. 14.18.070. ENFORCEMENT BY BOARD OF EDUCATION. 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.

23 Sec. 14.18.080. REGULATIONS. The Department of Education and the
24 Board of Regents of the University of Alaska shall adopt regulations
25 under the provisions of the Administrative Procedure Act (AS 44.62) to
26 implement this chapter.

27 Sec. 14.18.090. EFFECT OF CHAPTER. This chapter is supplementary
28 to and does not supersede existing or future laws and regulations re-
29 lating to unlawful discrimination based on sex.

1 * Sec. 2. AS 14.30.180 is amended to read:

2 Sec. 14.30.180. FINDING AND PURPOSE. (a) The legislature finds
3 that the legal age limit for the education of exceptional children as
4 defined in sec. 350(1)(A), (B), (C), (D), and (F) of this chapter dis-
5 criminate against those children on the basis of their incapacity to
6 absorb a complete public school education by age 21.

7 (b) It is the purpose of secs. 180 - 350 of this chapter to pro-
8 vide competent educational [EDUCATION] services for the exceptional
9 children in the state who are at least three and less than 22 years of
10 age and for whom the regular school facilities are inadequate or not
11 available and for individuals 22 years of age and older when approved by
12 the local school board.