

Introduced: 3/20/79  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE HOUSE

BY PARKER

2 HOUSE BILL NO. 411

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH 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 BASED ON  
12 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 students,  
15 and equal employment opportunity for public education employees, dis-  
16 crimination on the basis of sex against any employee or any student in  
17 public education in Alaska violates art. I, sec. 3 of the Alaska Consti-  
18 tution and is prohibited. No person in Alaska may on the basis of sex  
19 be excluded from participation in, be denied the benefits of, or be  
20 subjected to discrimination under any education program or activity  
21 receiving federal or state financial assistance.

22 Sec. 14.18.020. DISCRIMINATION IN EMPLOYMENT PROHIBITED. The  
23 board, the Board of Regents, and each school board in the state shall

24 (1) allow no difference in conditions of employment, includ-  
25 ing but not limited to hiring practices, leaves of absence, hours of  
26 employment, pay, employee benefits, and assignment of instructional and  
27 non-instructional duties on the basis of sex; and

28 (2) provide the same opportunities for advancement to males  
29 and females.

1           Sec. 14.18.030. DISCRIMINATION IN COUNSELING AND GUIDANCE SERVICES  
2 PROHIBITED. All guidance and counseling services in public education  
3 are available to all students equally. All certificated personnel are  
4 required to stress access to all career and vocational opportunities to  
5 students without regard to sex.

6           Sec. 14.18.040. DISCRIMINATION IN RECREATIONAL AND ATHLETIC  
7 ACTIVITIES PROHIBITED. (a) Equal opportunity for both sexes in  
8 athletics and in recreation must be provided in a manner commensurate  
9 with the interests of each sex. Separate school-sponsored teams may be  
10 provided for each sex. When separate school-sponsored teams are not  
11 provided in a particular sport, females and males must be allowed to  
12 compete equally for places on the school-sponsored team. Schools which  
13 sponsor separate teams in particular sports shall provide equipment and  
14 supplies, services, insurance, transportation and per diem allowances,  
15 opportunities to receive coaching and instruction, opportunities for  
16 competition, publicity and awards, and scheduling of games and practice  
17 times, in substantially identical fashion to each team with no dis-  
18 parities based on sex. Each school which provides showers, toilets, or  
19 training-room facilities for athletic or recreational purposes shall  
20 provide comparable facilities for both sexes, either as separate  
21 facilities or as scheduled and used separately by each sex.

22           (b) Public schools shall divide available evening time for  
23 athletic events fairly between events for each sex.

24           (c) The board and the Board of Regents of the University of Alaska  
25 shall develop surveys for distribution each year to students above the  
26 sixth grade in each public educational institution in the state to  
27 determine student interest in male and female participation in specific  
28 sports.

29           Sec. 14.18.050. DISCRIMINATION IN COURSE OFFERINGS PROHIBITED. All

1 public education classes are available to all students without regard to  
2 sex. Separation of the sexes is permitted during sessions on sex  
3 education or during participation in physical education activities when  
4 the purpose of the activity or the major activity involves bodily  
5 contact.

6 Sec. 14.18.060. DISCRIMINATION IN TEXTBOOKS AND INSTRUCTIONAL  
7 MATERIALS PROHIBITED. School boards shall review textbooks and instruc-  
8 tional materials for evidence of sex bias every three years and shall  
9 use educationally sound, non-biased texts and other instructional  
10 materials as they become available. School districts shall offer in-  
11 service training programs designed to decrease the damaging effects of  
12 sex-biased materials.

13 Sec. 14.18.070. REGULATIONS. The board and the Board of Regents  
14 of the University of Alaska shall adopt regulations under the provisions  
15 of the Administrative Procedure Act (AS 44.62) to implement this  
16 chapter.

17 Sec. 14.18.080. COMPLIANCE. The commissioner shall establish  
18 guidelines for affirmative action programs covering both equal  
19 employment and equal educational opportunity to be adopted by all school  
20 districts and regional educational attendance areas, along with a  
21 compliance timetable, and shall monitor the compliance by school  
22 districts and regional educational attendance areas with the guidelines.

23 Sec. 14.18.090. ENFORCEMENT BY BOARD OF EDUCATION. (a) The board  
24 shall enforce compliance by school districts and regional educational  
25 attendance areas with the provisions of this chapter and the regulations  
26 and guidelines adopted under it by appropriate order made in accordance  
27 with AS 44.62. After hearing and a finding that a district or a  
28 regional educational attendance area is not in compliance with this  
29 chapter and is not actively working to come into compliance, the board

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shall, as appropriate,

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

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

(3) terminate all or part of state foundation program funds or any other funds disbursed by the department to the school district or regional educational attendance area.

Sec. 14.18.100. REMEDIES. (a) A person aggrieved by a violation of this chapter or of a regulation or guideline adopted under this chapter as to primary or secondary education may file a complaint with the board or with the State Commission for Human Rights and has an independent right of action in superior court for civil damages and for such equitable relief as the court may determine.

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

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