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Offered: 4/11/79  
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

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CS FOR HOUSE BILL NO. 411

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH 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 BASED ON

12

SEX IN PUBLIC EDUCATION IN ALASKA

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14 Sec. 14.18.010. LEGISLATIVE PURPOSE. Recognizing the benefit to  
15 our state and nation of equal educational opportunities for all students,  
16 and equal employment opportunity for public education employees, dis-  
17 crimination on the basis of sex against any employee or any student in  
18 public education in Alaska violates art. I, sec. 3 of the Alaska Consti-  
19 tution and is prohibited. No person in Alaska may on the basis of sex  
20 be excluded from participation in, be denied the benefits of, or be  
21 subjected to discrimination under any education program or activity  
receiving federal or state financial assistance.

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

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

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(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 athle-  
8 tics and in recreation must be provided in a manner commensurate with  
9 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, and opportunities including use of courts, gym-  
15 nasiums, and pools, in substantially identical fashion to each team with  
16 no disparities based on sex. Each school which provides showers,  
17 toilets, or training-room facilities for athletic or recreational pur-  
18 poses shall provide comparable facilities for both sexes, either as  
19 separate facilities or as scheduled and used separately by each sex.

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

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

27           Sec. 14.18.050. DISCRIMINATION IN COURSE OFFERINGS PROHIBITED. All  
28 public education classes are available to all students without regard to  
29 sex. Separation of the sexes is permitted during sessions on sex educa-

1 tion or during participation in physical education activities when the  
2 purpose of the activity or the major activity involves bodily  
3 contact.

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

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

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

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

29 (1) order a mandatory affirmative action program within the

1 school district or regional educational attendance area; and  
2 (2) institute appropriate proceedings to abate the practices  
3 found by the board to be a violation of this chapter; or  
4 (3) terminate all or part of state foundation program funds  
5 or any other funds disbursed by the department to the school district or  
6 regional educational attendance area.

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

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

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

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