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Offered: 4/24/79
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 411 (Judiciary) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - SECOND 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, 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

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 ACTIVI-
7 TIES PROHIBITED. (a) Equal opportunity for both sexes in athletics and
8 in recreation must be provided in a manner commensurate with the in-
9 terests of each sex. Separate school-sponsored teams may be provided
10 for each sex. When separate school-sponsored teams are not provided in
11 a particular sport, females and males must be allowed to compete equally
12 for places on the school-sponsored team. Schools which sponsor separate
13 teams in particular sports shall provide equipment and supplies, ser-
14 vices, and opportunities including use of courts, gymnasiums, and pools,
15 in substantially identical fashion to each team with no disparities
16 based on sex. Each school which provides showers, toilets, or training-
17 room facilities for athletic or recreational purposes shall provide
18 comparable facilities for both sexes, either as separate facilities or
19 as scheduled and used separately by each sex.

20 (b) Public schools shall divide available evening time for athletic
21 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 contact.

3 Sec. 14.18.060. DISCRIMINATION IN TEXTBOOKS AND INSTRUCTIONAL
4 MATERIALS PROHIBITED. School boards shall review textbooks and instruc-
5 tional materials for evidence of sex bias every three years and shall
6 advise teachers of instances of sex bias in textbooks and materials in
7 use. School boards shall use educationally sound, non-biased texts
8 and other instructional materials as they become available. Nothing
9 in this section prohibits use of literary works. School districts
10 shall offer in-service training programs designed to prepare teachers
11 to aid students in the recognition of sex-biased materials.

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

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

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

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(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.

(b) After a finding by the board that a district or regional educational attendance area has not complied with AS 14.18.020 - 14.18.060, and that the measures taken under AS 14.18.090(a)(1) and (2) have been ineffective, the board shall 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.