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Offered: 2/3/81
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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CS FOR SENATE BILL NO. 99 (HESS)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH 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
8 Alaska 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

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SEX IN PUBLIC EDUCATION IN ALASKA

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

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Sec. 14.18.020. DISCRIMINATION IN EMPLOYMENT PROHIBITED. The

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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-

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ing but not limited to hiring practices, credential requirements,

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leaves of absence, hours of employment, pay, employee benefits, and

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assignment of instructional and non-instructional duties on the basis

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of sex; and

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(2) provide the same opportunities for advancement to males

and females.

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2 **Sec. 14.18.030. DISCRIMINATION IN COUNSELING AND GUIDANCE SERVICES**
3 **PROHIBITED.** All guidance and counseling services in public education
4 are available to all students equally and shall stress access to all
5 career and vocational opportunities to 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, gymna-
15 siums, 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
18 purposes 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 athle-
21 tic events fairly between events for each sex.

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

27 **Sec. 14.18.050. DISCRIMINATION IN COURSE OFFERINGS PROHIBITED.**
28 All public education classes are available to all students without
29 regard to sex and curriculum requirements may not be differentiated on

1 the basis of sex. Separation of the sexes is permitted during sessions
2 on sex education or during participation in physical education activi-
3 ties when the purpose of the activity or the major activity involves
4 bodily contact.

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

14 Sec. 14.18.070. IMPLEMENTATION. (a) The board shall adopt regu-
15 lations under the Administrative Procedure Act (AS 44.62) to implement
16 this chapter.

17 (b) The Board of Regents shall adopt rules under AS 14.40.170-
18 (b)(1) to implement this chapter.

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

25 Sec. 14.18.090. ENFORCEMENT BY BOARD OF EDUCATION. (a) The
26 board shall enforce compliance by school districts and regional educa-
27 tional attendance areas with the provisions of this chapter and the
28 regulations and guidelines adopted under it by appropriate order made
29 in accordance with AS 44.62. After hearing and a finding that a dis-

1 trict or a regional educational attendance area is not in compliance
2 with this chapter and is not actively working to come into compliance,
3 the board shall, as appropriate,

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

6 (2) institute appropriate proceedings to abate the practices
7 found by the board to be a violation of this chapter.

8 (b) After a finding by the board that a district or regional edu-
9 cational attendance area has not complied with AS 14.18.020 - 14.18.060,
10 and that the measures taken under AS 14.18.090(a)(1) and (2) have been
11 ineffective, the board shall terminate all or part of state foundation
12 program funds or any other funds disbursed by the department to the
13 school district or regional educational attendance area.

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

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

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