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Offered: 3/9/81  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

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CS FOR SENATE BILL NO. 99 (Judiciary)

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IN THE LEGISLATURE OF THE STATE ALASKA

4

TWELFTH 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  
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

12

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 an employee or a 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.

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Sec. 14.18.020. DISCRIMINATION IN EMPLOYMENT PROHIBITED. The  
23 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-  
ing but not limited to hiring practices, credential requirements,  
26 leaves of absence, hours of employment, pay, employee benefits, and  
27 assignment of instructional and non-instructional duties on the basis  
28 of sex; and

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(2) provide the same opportunities for advancement to males

1 and females.

2 Sec. 14.18.030. DISCRIMINATION IN COUNSELING AND GUIDANCE SERVICES  
3 PROHIBITED. Guidance and counseling services in public education are  
4 available to students equally and shall provide access to career and  
5 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 shall be provided in a manner which is commen-  
9 surate with the interests of a majority of the members of each sex.  
10 Separate school-sponsored teams may be provided for each sex. A school  
11 which sponsors separate teams in a particular sport shall provide  
12 equipment and supplies, services, and opportunities, including use of  
13 courts, gymnasiums, and pools, to both teams with no disparities based  
14 on sex. A school which provides showers, toilets, or training-room  
15 facilities for athletic or recreational purposes shall provide compar-  
16 able facilities for both sexes, either through the use of separate  
17 facilities or by scheduling separate use by each sex.

18 (b) A school shall divide available evening time for athletic  
19 events fairly between events for each sex.

20 (c) The board and the Board of Regents of the University of  
21 Alaska shall adopt procedures to determine on an annual basis student  
22 interest in male and female participation in specific sports, athletics,  
23 and recreation.

24 Sec. 14.18.050. DISCRIMINATION IN COURSE OFFERINGS PROHIBITED.

25 (a) Except as provided in (b) this section, all public education  
26 classes are available to all students without regard to sex and curricu-  
27 lum requirements may not differentiate on the basis of sex.

28 (b) Coeducational sex education programs are prohibited in grades  
29 kindergarten through grade six. Separation of the sexes is permitted

1 in grades seven through twelve during sex education programs and during  
2 participation in physical education activities if the purpose of the  
3 activity or the major activity involves bodily contact.

4 Sec. 14.18.060. DISCRIMINATION IN TEXTBOOKS AND INSTRUCTIONAL  
5 MATERIALS PROHIBITED. (a) School boards shall review textbooks and  
6 instructional materials for evidence of sex bias in accordance with  
7 AS 14.08.111 and AS 14.14.090. School boards shall use educationally  
8 sound, non-biased texts and other instructional materials as they  
9 become available. Nothing in this section prohibits use of literary  
10 works.

11 (b) The board shall establish by regulation standards for nondis-  
12 criminatory text books and educational materials.

13 (c) The Board of Regents shall establish standards under AS 14.-  
14 40.170(b)(1) for nondiscriminatory text books and educational materials.

15 Sec. 14.18.070. AFFIRMATIVE ACTION. The board shall establish  
16 procedures for affirmative action programs covering both equal employ-  
17 ment and equal educational opportunity to be implemented by all school  
18 districts and regional educational attendance areas determined by the  
19 board not to be in compliance with this chapter.

20 Sec. 14.18.080. IMPLEMENTATION. (a) The board shall adopt regu-  
21 lations under the Administrative Procedure Act (AS 44.62) to implement  
22 this chapter.

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

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 procedures 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 institute appropriate proceedings to abate the practices  
4        found by the board to be a violation of this chapter.

5                (b) After a finding by the board that a district or regional edu-  
6        cational attendance area has not complied with AS 14.18.020 - 14.18.070,  
7        and that the measures taken under AS 14.18.090(a) have been ineffective,  
8        the board shall withhold state funds in accordance with AS 14.07.070.

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

14               (b) A person aggrieved by a violation of this chapter or of a  
15       regulation or procedure adopted under this chapter as to postsecondary  
16       education 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.

21       \* Sec. 2. AS 14.08.111 is amended by adding a new paragraph to read:

22                (9) review and select all textbooks and instructional materi-  
23       als before they are introduced into the school curriculum; the review  
24       includes a review for violations of AS 14.08.060.

25       \* Sec. 3. AS 14.14.090 is amended by adding a new paragraph to read:

26                (7) review and select all textbooks and instructional mater-  
27       ials before they are introduced into the school curriculum; the review  
28       includes a review for violations of AS 14.08.060.

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