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Referred: Rules

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 99 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF 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."

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 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 Con-
18 stitution and is prohibited. No person in Alaska may on the basis of
19 sex 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,
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

29 (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 stress 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 general interests of the members of each sex. Separate
10 school-sponsored teams may be provided for each sex. A school which
11 sponsors separate teams in a particular sport shall provide equipment
12 and supplies, services, and opportunities, including use of courts,
13 gymnasiums, and pools, to both teams with no disparities based on sex.
14 A school which provides showers, toilets, or training-room facilities
15 for athletic or recreational purposes shall provide comparable facili-
16 ties for both sexes, either through the use of separate facilities or
17 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 cur-
27 rriculum requirements may not be differentiated on the basis of sex.

28 (b) Separation of the sexes is permitted during sex education
29 programs and during participation in physical education activities if

1 the purpose of the activity involves bodily contact.

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

9 (b) The board shall establish by regulation standards for nondis-
10 criminatory text books and educational materials. Each school board
11 shall provide training for all its certificated personnel in the
12 identification and recognition of sex-biased materials.

13 (c) The Board of Regents shall establish and implement a policy
14 under AS 14.40.170(b) for the guidance of officers and employees of the
15 university on the selection of nondiscriminatory text books and educa-
16 tional materials.

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

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

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

27 Sec. 14.18.090. ENFORCEMENT BY BOARD OF EDUCATION. (a) The
28 board shall enforce compliance by school districts and regional educa-
29 tional attendance areas with the provisions of this chapter and the

1 regulations and procedures adopted under it by appropriate order made
2 in accordance with AS 44.62. After hearing and a finding that a dis-
3 trict or a regional educational attendance area is not in compliance
4 with this chapter and is not actively working to come into compliance,
5 the board shall institute appropriate proceedings to abate the practices
6 found by the board to be a violation of this chapter.

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

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

16 (b) A person aggrieved by a violation of this chapter or of a
17 regulation or procedure adopted under this chapter as to postsecondary
18 education has an independent right of action in superior court for
19 civil damages and for such equitable relief as the court may determine.

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

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

24 (9) establish procedures for the review and selection of all
25 textbooks and instructional materials before they are introduced into
26 the school curriculum; the review includes a review for violations of
27 AS 14.08.060.

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

29 (7) establish procedures for the review and selection of all

1 textbooks and instructional materials before they are introduced into
2 the school curriculum; the review includes a review for violations of
3 AS 14.08.060.
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