

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1465 SHESS SB 99

AMENDMENT #4

OFFERED IN THE HOUSE:

BY: Helford

TO: HCS CSSB 99 HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. 99

PAGE: 4

LINE: 21-22

~~add period after "laws"~~  
~~delete remainder of sentence.~~

OK but w/d

Am #5 page 4,

line 21:

delete "and regulations"

adopted

A M E N D M E N T

OFFERED IN THE HOUSE:

By: Randolph

To: Amend HCS for CS for HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. 99 (HESS)

PAGE: 3

LINE: 17-21

Eliminate Sec. 14.18.070

*Filed*

AMENDMENT

#2

OFFERED IN THE HOUSE:

By: Randolph

To: Amend HCS for CS for HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. 99 (HESS)

PAGE 3

LINES 2-16

4 lines 23 - 29  
5 lines 1 - 3  
Eliminate Sec. 14.18.060

~~23-29~~  
~~+3~~

→ ELIMINATE \*SECTIONS 243

*Failed*

AMENDMENT #1

OFFERED IN THE HOUSE:

By: GRUSSENDORF

To: \_\_\_\_\_ HOUSE BILL No. HCS CSSB 99 (HESS)

SENATE BILL No. \_\_\_\_\_

PAGE: 3

LINE: 3 and 4

Line 3: after "shall", insert "have"; delete "review"

Line 4: after "materials", insert "reviewed"

*adopted*

Edith

HOUSE

am #1 by Greenery - adopted  
am #2 by Rand - failed  
am #3 by Rand - failed  
am #4 by Halford - w/d  
am #5 by Halford - adopted

ENGROSS: \_\_\_\_\_

ENROLL: \_\_\_\_\_

HB # \_\_\_\_\_

HJR # \_\_\_\_\_

HCR # \_\_\_\_\_

HR # \_\_\_\_\_

H CS SB # 99 (Jud) am (Hess) am

SJR # \_\_\_\_\_

SCR # \_\_\_\_\_

DATE PASSED 4/24/81

ROLL CALL: YEAS: 32

EFFECTIVE DATE: YEAS: \_\_\_\_\_

NAYS: 2

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

EXCUSED: 6

EXCUSED: \_\_\_\_\_

*adopted*

STATEMENT TO ALASKA ASSOCIATION OF  
SCHOOL ADMINISTRATORS

OCTOBER 15, 1980  
Fairbanks, Alaska

My name is Barbara Schuhmann. I practice law here in Fairbanks with the firm Merdes, Schaible, Staley & DeLisio. I also serve as the Vice Chair of the Alaska Commission on the Status of Women. I want to thank you and especially Commissioner Lind for allowing me time from your very busy schedule to address you.

The Commission was formed in 1978 by legislation which directed us to implement the findings of a 1977 Preliminary Study on the Status of Women in Alaska, to perform further research and make further recommendations to enhance the status of women in the state. The legislation directed us to look into four areas of concern in particular. The first listed in the law was education.

In 1977, a Preliminary Study on the Status of Women in the State was presented to the governor. That study indicated sex bias was prevalent in most of Alaska's educational institutions.

Last year, the Commission appointed a special committee on education. I am a member of that committee. The Commission as a whole has held hearings on sex bias in education by teleconference across the state, and in Anchorage. We have received public comment at our meetings in Fairbanks, Juneau, Kenai and Nome. We have also received recommendations from the Statewide Native Women's Organization in Fairbanks a Women and Poverty Conference, a Bethel Regional Women's Conference (held just last week), and a Black Women's Conference held in Anchorage.

I think I can state without exception that the right to receive fair and equitable education and employment opportunities for girls and women was prime concern voiced over and over again. There are very grave discrepancies in the sports opportunities afforded girls as compared to those

afforded boys. Girls and women should have an equal opportunity to the valuable lessons to be learned and benefits to be gained from sports participation. Vocational training is of particular concern. At last week's Bethel Conference, the suggestion was made that vocational counseling begin early on in grade school. The women here felt that high school was much too late to receive such counseling to be meaningfully prepared for the education and career one might later choose in life.

Homemakers who find themselves forced to work because of death or divorce after many years of working in their homes find they are "displaced". They did not train themselves in job skills necessary for them to support themselves and perhaps their dependent children. Sometimes the only helping hand held out is welfare. These displaced homemakers have told us that their school never really prepared them for the real facts of life:

- that 90% of all women in this country will be employed at some time in their lives;
- that 40% of the labor force is comprised of women;
- that the majority of women who work do so because of economic need;
- that even if a woman marries, she can expect to work 25 years outside her home.

Testimony taken at our hearings indicates that only about one-fourth of the school districts in the State of Alaska are in paper compliance with Title IX, which is the federal law which requires sex equity in education, under pain of losing federal funding. This brings me to my real purpose in appearing before you today.

The Commission urges you to comply with Title IX. We ask that you not only comply on paper, but that you make a real commitment to eliminate sex discrimination in the educational institutions of your respective communities. You all should have Title IX Coordinators. We ask that you support that person with the commitment he or she needs to really analyze your practices and policies and really set about to correct any shortcomings.

I want to commend you on the progress you have made to date. I see you have the first female superintendent since statehood. I commend your efforts to assist women to train to become administrators and superintendents. But your efforts to date have not been totally satisfactory, and would only earn a "D" or an "F". Because of the Commission's dissatisfaction with the status quo, we have strongly endorsed passage of a state Title IX bill.

In the last legislature, such a bill was introduced and passed the House: House Bill 411. Unfortunately, it died in the Senate. However, I can assure you we will continue in our efforts to obtain passage of such legislation. First, it would help to assure compliance with federal law and our state constitution which guarantee equality of opportunity without regard to sex in all government programs. This bill will assure sex equity in textbooks and curricula, which is not covered by federal law. Finally, a local law will assure local enforcement. Our local school boards, state school board, and if all else fails, our local courts will enforce the provisions of the bill. So, my main purpose in coming today is to ask your commitment which is reflected by more than mere paper, to equality of rights of your employees and students, regardless of their sex. If sex equity in education could be carried out, we wouldn't need further legislation.

I would also like to share with you some of the recommendations I have heard at our various meetings around the state and those which came from conferences which the Commission helped to sponsor. In addition to the problems I have already mentioned concerning lack of equitable vocational education and training programs, and counseling early enough to make a difference, I have heard the request for education and counseling in the areas of alcoholism, drug abuse, and domestic violence and abuse. These are problems facing our youngsters at earlier and earlier times in their lives. They should be taught what the real world is like, which indicates most of us will work; they should be given training that can help youngsters understand what alcoholism is, and how it affects their

families and themselves. Children who are abused are more likely to abuse their own children. Women who are battered often feel they have no alternative or resources to draw upon for help.

With the resources, tools, role models and equal educational opportunities available to both boys and girls, they will be better able to reach their full potential and contribute the maximum benefit to society. The Alaska Commission on the Status of Women is willing to work with you.



# NEA - ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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Deputy Executive Secretary  
Fairbanks Office

TO: Chairman Parr  
Members of the Senate HESS Committee

FROM: NEA/Alaska

SUBJECT: Senate Bill 99:  
"An Act Prohibiting Sex Discrimination in  
Education in the State and Implementing  
Article I, Sec. 3 of the Alaska Constitution"

## MEMORANDUM OF SUPPORT

NEA/Alaska strongly supports and urges passage of Senate  
Bill No. 99.

We respectfully urge that the committee consider the language  
listed below as a substitute for Sec. 14.18.030. **DISCRIMINATION  
IN COUNSELING AND GUIDANCE SERVICES PROHIBITED:**

"All guidance and counseling services in public education  
are available to all students equally and shall stress  
access to all career and vocational opportunities to  
students without regard to sex."

The language as it presently appears in the bill may place an  
undue burden on all certificated personnel. As it is presently  
written it would apply to classroom teachers even though their  
primary responsibility may not be counseling. We believe the  
change listed above better directs the intent of the bill.

Data released by the Department of Education last year suggests  
that 25% of the Alaska school districts have not yet complied

with the district self-assessment requirement of the 1972  
Federal Title IX Act. As a result, problems attendant to sex  
discrimination continue to exist in our schools.

This bill brings the remedy for problems closer to the local level  
and shifts the focus from enforcement to the more important  
concept of affirmative action.

Chairman Parr  
Page Two

If we are to more effectively address the totality of the problem of sex stereotyping in Alaska's schools, and in our communities around the state, it is essential that we pass Senate Bill 99, now.

This bill is a clarification of the 1972 Federal Title IX Act, and as such it clarifies the meaning of questionable items, it makes a commitment to resolve them, and it insures a level of accountability for enforcement and implementation.

Respectfully Submitted,



Bob Manners  
Executive Secretary  
January 30, 1981

# League of Women Voters of Alaska

April 28, 1981

Dear Alaskan Senators,

We support HCS CSSB99 (HESS) am H which would prohibit sex discrimination in Education. We request that you concur with the House amendments and swiftly send this important piece of Legislation on to the Governor for his signature.

Thank you.

Sincerely,

*Margaret E. Holland*

Margaret E. Holland  
Action Chair

also:

Federally Employed Women

*Betty L. McVey*

Business and Professional Women's Club

*Susan J. Buttrick*

Commission on the Status of Women

*Barbara A. Dale*  
vice chairperson

American Association of University Women

*Susan R. Clark*  
St. Legislative Chair

United Methodist Women

*Marion Gotschell, Conf. Pres.*

Future Homemakers of America

*Majorie W. Schmiede*

National Association for the Education of Young Children

*Majorie Fields co-pres.*

Women for Political Action

*Helli Roag*

Women's Volunteer Service

*Pranika Linnart*

Juneau Branch, National League  
of American Pen Women

*Sheila Nickerson*

Alaska Adult Education Association

*Constance L. Munro*

Common Cause

*Netty H. Barthe*

Unitarian Universalist Women's  
Association

*Ann McKelone*

Soroptomist

*Norma Smith, Pres.*

Tongass Alaska Girl Scout  
Council

*Kathryn O. Andersen*



JUNEAU, ALASKA

Alaska State Legislature  
House

*for*

MESSAGE TO THE SENATE

DATE April 24, 1981

MR. PRESIDENT:

The House has passed CSSB 99(Jud)am (prohibiting sex discrimination in education in the state and implementing art. I, sec. 3 of the Alaska Constitution) with the following amendment:

HCS CSSB 99(HESS)amH (same title)

and it is transmitted herewith for consideration.

*concur?*

*oe {Kortala  
per  
Jud}*

*Isaac Casper*  
Chief Clerk of the House

Original sponsors: Parr, Stimson,  
Fischer and Sturgulewski

Offered: 3/9/81  
Referred: Rules

*Rando & Blysmo - NO*

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 ~~CS FOR SENATE BILL NO. 99 (Judiciary) am~~

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 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,  
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 miles

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 be differentiated 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. *Training for cert  
13 ~~Sec. biased 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 d r-

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 materi-  
27       als before they are introduced into the school curriculum; the review  
28       includes a review for violations of AS 14.08.060.

Original sponsors: Parr, Timson,  
Fischer, et al

Offered: 4/20/81  
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 <sup>a majority</sup> 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 riculum 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

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



changes from House & Senate  
marked

Original sponsors: Parr, Stimson,  
Fischer, et al

Offered: 4/20/81  
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) am H

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4 TWELFTH LEGISLATURE - FIRST SESSION

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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 <sup>provide</sup> 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 <sup>of a majority</sup> 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 w'out 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 have textbooks and  
4 instructional materials reviewed for evidence of sex bias in accordance  
5 with AS 14.08.111 and AS 14.14.090. School boards shall use educa-  
6 tionally sound, non-biased texts and other instructional materials as  
7 they become available. Nothing in this section prohibits use of lit-  
8 erary 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 iden-  
12 tification 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 prac-  
6 tices 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.  
9 070, and that the measures taken under AS 14.18.090(a) have been in-  
10 effective, the board shall withhold state funds in accordance with  
11 AS 14.07.070.

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

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

21 Sec. 14.18.110. EFFECT OF CHAPTER. This chapter is supplementary  
22 to and does not supersede existing laws <sup>and regulations</sup> relating to unlaw-  
23 ful discrimina-  
24 tion based on sex.

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

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

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

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\* (7) establish procedures for the review and selection of all textbooks and instructional materials before they are introduced into the school curriculum; the review includes a review for violations of AS 14.08.060.

Original sponsors: Parr, Stimson,  
Fischer and Sturgulewski

Offered: 3/9/81  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 99 (Judiciary) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5 \ 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 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,  
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.

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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 be differentiated 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 <sup>have</sup> textbooks and  
6 instructional materials <sup>reviewed</sup> 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 state 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.

Statement on Title IX -- SB 99

by Barbara Schuhmann, Chairperson

Commission on the Status of Women

January 30, 1981

Alaskans care about their families. Our children are important to us.

We want our children to grow to be independent and responsible adults able to provide both emotional and financial support for families of their own even after we are gone. We want our children to secure the training and education which will enable them to get and hold a good job with a future to it ... to aim high and dream the American dream of being all they can be-- gaining respect, prestige and honor all along the way .. perhaps even to serve their communities in position of responsibility and influence.

And yet .... if we say these same words and use the word daughter in place of children you may find the words sound a little unusual. Let's try it...

We want our daughters to grow to be independent and responsible adults able to provide both emotional and financial support for families of their own even after we are gone. We want our daughters to secure the training and education which will enable them to get and hold a good job with a future to it ... We want our daughters to aim high and dream the American dream of being all they can be ... gaining respect, prestige and honor all along the way.. perhaps our

daughters will even serve their communities in positions of responsibility and influence." It sounds a little unusual, doesn't it? It's not that we haven't wanted the best for our daughters. It's just that we've been a little unrealistic about what the future holds in store for them.

Statistics tell us that:

- 57% of all American women between 18 and 64 are in the work force
- Even if she marries, a woman may expect to work outside the home for 25 years .... 45 years if she remains single.
- The majority of women work because of economic need. In 1977 in the United States, nearly 2/3 of working women were single, widowed, divorced or separated or had husbands earning less than \$10,000.
- Women workers are concentrated in low paying, dead end jobs.
- On the average, a woman earns .59 cents for every dollar earned by a man.
- And yet the average woman worker is as well educated as the average man worker. Both have completed a median of 12.6 years of schooling.

How can we explain that women with the same average education as men earn so much less and cluster in such low paying jobs? The Commission on the Status of Women believes that some of the answers lie in EDUCATION.

In addition to its many goals, education prepares students for economic survival. How well a woman can support herself will be greatly influenced by her schooling. For example, advanced math in high school is required in order to enter 15 out of 20 major fields of study at the University of California at Berkeley. In one freshman class 92% of the women were prevented from entering three-quarters of the possible majors because of an inadequate background in math. Why does this happen? Caught in their own traditional stereotypes, possibly unaware of new research on sex bias, educators often perpetuate discrimination.. not with malice, but simply because that is the way it has ALWAYS BEEN DONE. Math and science have traditionally been thought of as boy's subjects. Neither teachers, nor counselors, nor parents have expected or encouraged girls to be high achievers in these subjects.

School athletics have traditionally offered boys opportunities to grow in self-discipline, team work and leadership. We have not ensured the same opportunities for our daughters. These traditional notions about girls ... what sort of studies they'll pursue, how assertive they should be, how much athletics they need, .. have colored the thinking of all of us.

In 1972 Federal Title IX was passed by the United States Congress to address many of these issues. The Commission on the Status of Women believes that Alaska needs Senate Bill 99 to supplement the provisions of Title IX, particularly in the areas of curriculum and equal employment opportunity in the schools.

The textbooks, films and other resource materials used everyday in our classrooms make a continuous statement to the students about how women and men should behave. Girls and boys see pictures of women and men doing different things, involved in different jobs... that's how they learn what they can be when they grow up. Everyone needs models to point the way to what they too can achieve and dream. How can young women aspire to be all that they can be, if they are never taught the important role women played in our history? Senate Bill 99 will address the critical issue of sex bias in curriculum where Title IX does not.

In Alaska today there is only one female school superintendent out of a total of 52. Nationally the number of women who rise from the ranks in the field of education to become administrators and policy makers is dismally low.

Not only is there inequity for employees. Students are learning that women can be teachers but they cannot handle the high level administrative jobs. Senate Bill 99 will include this critical area where Federal Title IX does not.

Title IX has not been successful in eliminating sex bias from Alaska's schools. The Commission on the Status of Women held statewide public hearings on the issue of sex bias in October, 1979, and testimony was given by teachers, parents and students which revealed that sex bias continues unchecked in many of our schools today. For instance, throughout the state there are inadequate coaches, equipment and funds for

women's sports programs. In many cases girls' teams receive hand-me-down uniforms from the boys while the boys buy handsome and impressive outfits. Often girls' teams are relegated to gym use at off hours like 10 p.m or 6:30 a.m., so that the boys teams can practice during prime time. The State Activities Association fails to identify its expenditures by sex and so it is impossible for anyone to tell just how inequitable the situation is. But the extensive testimony the Commission has received is ample proof that the inequities exist and on a very large scale.

---

When I was preparing for today's hearing I called the Department of Education for statistics on implementation of Title IX. I was told that there weren't any. To me this is perhaps the most compelling reason for passing Senate Bill 99. How can we possibly monitor Title IX effectiveness if no statistics are available? I fully trust that if a State statute is passed requiring sex equity in the schools, the bill will have enough "bite" to see that the job gets done. There may be some sections of the bill that require further study. For instance, by requiring that small schools allow both sexes to compete for places on the same teams, the bill may actually backfire and create problems for the girls. The Commission on the Status of Women will

continue to study the bill and apprise you of any difficulties we find. In general however the Commission stands fully in support of the effort to prohibit sex discrimination. Only last Monday the Commission arranged a meeting with the Lieutenant Governor at his request. Seventeen women, representing more than 1,000 women who support SB 99, were in attendance. We feel certain that this is but a small sampling of the widespread support that exists for a bill that prohibits sex discrimination in schools.



Official Business

# Alaska State Legislature

## Senate

### Committee on

### Health, Education & Social Services

Charlie Parr, Chairman  
Terry Stimson, Vice-Chairman  
Vic Fischer  
Tim Kelly  
Mike Colletta

Pouch V  
State Capitol  
Juneau, Alaska 99811

465-4907  
465-4908

please incorporate in a committee substitute for SB 99:

1. delete page 2, line 2 through line 6
2. replace with the following:

Sec. 14.18.030. DISCRIMINATION IN COUNSELING AND GUIDANCE SERVICES PROHIBITED. All guidance and counseling services in public education are available to all students equally and shall stress access to all career and vocational opportunities to students without regard to sex. *O.K.*

3. on page 3, line 1, after the word "sex", change the period to a comma and insert the following:

and curriculum requirements may not differentiate on the basis of sex. *O.K.*

# *League of Women Voters of Alaska*

January 27, 1981

TO: Mr. Chairman and Members of the Committee  
From: Margaret E. Holland, League of Women Voters of Alaska  
Subject: SB 99 - Title IX

The League of Women voters urges prompt passage of SB 99 which would bring the commitment and enforcement of the Federal Title IX law to a state and local level. The League has a strong national position aimed at action to achieve equal rights for all regardless of race or sex, and to provide equal access to quality education.

The League of Women Voters believes that access to a sexually unbiased education is a crucial first step toward economic independence for women. Today women earn 59 cents for every one dollar earned by men. Women continue to be channeled into female type fields such as health professions and education. Women are welcome in these fields as long as they remain in the low paying professions i.e. nurses and grade school teachers. We are all aware that male intensive occupations such as truck drivers, auto mechanic and administrators earn twice as much as female intensive occupations such as clerks, secretaries and nurses.

We rely on schools to prepare our children for a place in society and to the extent that public schools continue to treat young women as second class citizens, inferior to their male classmates and less worthy of educational stimulation which will prepare them for non-traditional jobs, we perpetuate the system.

While great strides have been made in the last several years in the area of text book reform in Anchorage and in funding athletic programs for young women in the bush schools, these isolated incidents are not enough and are not uniformly practiced throughout the state. Without the state enabling legislation provided for in SB 99, we can expect schools to turn a cold shoulder to educational equality when it becomes convenient to do so, or when it becomes expensive. SB 99 will provide the Board of Education with authority to withhold state funding to schools which do not implement Title IX, this is a particularly important provision of the bill which we support.

The League urges this committee to support Senate Bill 99, to get the bill out of committee with a recommended due pass.

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The League urges this committee to support Senate Bill 99, to pass the bill out of committee with a recommended due pass.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. SB 99  
 Title Prohibiting Sex Discrimination in Public Schools  
 Requested by Senate HESS Date 1/23/81

II. FISCAL DETAIL  
 Agency Affected Education  
 Program Category Affected Boards and Commissions  
 BRU, Program, or Subprogram(s) Affected State Board of Education  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill has negligible fiscal impact.

IV. DATE 1/23/81 PREPARED BY  Steve Hole  
 AGENCY Department of Education  
 PHONE 465-2800  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

SB 99

1-30-81

Read title IV on state level

Wendy Rader self 14. 18. 050

7<sup>th</sup> grade in Ancl. } required  
♀ - home ec }  
♂ - shop }  
policy during spring 1980

Katie Hurley - Comm. on Status on ♀

Read statement by Barbara Schuman

SB 99 sex bias in curriculum  
title II does not

out of 52 - only 1 ♀ school super.

state activities assoc. does not differ on  
\$ spent for ♀'s & ♂'s

pg 2, line 11 - could backfire

will meet by 2-21<sup>st</sup>

Aischer - sex - role

2 issues? (Charlie willing  
to treat issues - but separate)

if dif. w/ ♀ & ♂ teachers,  
it could be due to extra  
pay for ~~all~~ coaching

Steve Hale DOE

st. board supports bill

Susan ~~Clark~~ <sup>Clark</sup> - Nat'l assoc.  
University Women

↳ <sup>boys sports</sup> 286 x \$ for women's sports  
study in 1976

Dave Hull

Alaska High School Awareness Project  
by ♂ Comm. on Status on ♀  
seeking a grant  
♀ Ed. Equity Act U.S. Dept. of Ed.

# SPORTS

## Coaches object to girls prep tourney site inequalities

By RICHARD F. SCHMITZ  
Daily News Sports Editor

The site of the Region V Class A girls basketball tournament has drawn criticism from three girls prep coaches. Ketchikan High School head coach Dick Ortiz, Juneau-Douglas High School coach Peg Gwyther and one other coach who asked to remain unidentified all objected to the facilities in Wrangell.

Objections were made after the coaches received a memo on the tournament from Wrangell principal Liz Boario. The memo urged participating school districts to "limit the number of spectators traveling to the tournament."

The memo also said school personnel and chaperones "will

arrange for their own housing," and "hotel space is very limited."

"The statement (in the memo) got us a little upset," Ortiz said. "They say the fans aren't supposed to come in, so we don't have the same opportunity and are without the same exposure (that the boys had)."

Ortiz said he contacted the state Human Rights Commission about the inequality and would explore the possibility of a Title IX grievance.

Title IX is a federal law requiring equality in men's and women's athletics.

Ortiz pointed to a number of inequalities he feels exist between a small-town tourney site and one in Juneau, Sitka

or Ketchikan.

"One is inadequate housing. Wrangell has just three motels, limiting space for parents or fans. That also means no pep bands, no pep clubs and no drill teams, which is an important part of the boys tournament."

"One tournament draw in a large town, Ortiz said, is the attraction of entertainment and socializing after the games for the parents.

"There's also less local media coverage," Ortiz continued. "That means girls aren't getting the exposure necessary in regards to getting scholarships."

"There's an inadequate gym. It seats 200 people and the stands come so close to the playing floor that the out-of-bounds line is a small red line three feet in. That's always worth a few turnovers if you're not used to it.

"It detracts from the team's play and makes it hard for us to concentrate when the place is packed," Ortiz said.

Ketchikan High School principal Bruce Slama said he feels the girls program must demonstrate the need for a larger tourney site before changes should be made.

"My own opinion is that if he (Ortiz) comes back and indicates they had to turn people away, then I'm prepared to indicate (to other Region V school district officials) that changes should be made.

"I don't have a crystal ball, so we'll have to wait and see if the situation happens," Slama said. "I'll listen to Dick (Ortiz) and see what he reports."

Gwyther raised objections as well. "We'd already planned it (sending fans and pep band), so (the memo) didn't change anything. Our school district backed the people who wanted to go."

Gwyther said no attendance quotas were set, as they were at the Region V Class A boys tourney.

"I feel like we really have to prove the site isn't satisfactory before taking (Title IX grievance) action," Gwyther said. "Wrangell has been satisfactory as a site for the girls in the past. Now we have to show the program has grown."

Both Ortiz and Gwyther said the 1980-81 season was a turnaround year for girls athletics in Southeast. Both cited better coaching, JV programs, junior high and elementary feeder programs and pressure basketball, including transition games, man-to-man defenses and zone presses.

"Region V playoffs offer the best girls basketball of the year," Ortiz said. "So how can we gain fans if we are assigned to inadequate sites?"

"I've felt this way all along," one Region V coach said. "It's good to see someone has the guts to make some waves."

#  
02478 POM TDA FAIRBANKS ALASKA 15 04-27 0737P ADT

PMS SEN CHARLIE PARR

JUN

PASS SB99 AS AMENDED BY THE HOUSE. DO NOT ALLOW FURTHER  
CHANGES.

TELETYPE

BONNIE L. BARBER

218 YALE WAY

FAIRBANKS AK 99701

#  
02493 POM TDA STEELE CREEK ALASKA 15 04-27 1045P ADT

PMS SEN CHARLIE PARR

JUN

PLEASE SUPPORT HB99 AS AMENDED IN THE HOUSE. THANK YOU.

GAYLE PIERCE

SR 51377 3 MI. STEELE CREEK ALASKA 99701



**STATE OF ALASKA**  
OFFICE OF THE GOVERNOR

ALASKA COMMISSION ON THE STATUS OF WOMEN  
338 DENALI STREET, SUITE 850  
ANCHORAGE, ALASKA 99501

**SUBJECT:** Commission Report and Recommendations on Sex Bias in Education  
**FROM:** Anita Robinson, Chair, ACOW Subcommittee on Education  
**DATE:** January 22, 1980

The aim of the federal law and regulation, Title IX, is to define and eliminate sex bias in schools. In 1977, The Preliminary Study on the Status of Women in Alaska found serious sex bias inequities in Alaskan schools, despite the fact that sex discrimination in schools was made illegal in 1972 by Title XI of the Federal Education Amendments.

Testimony on sex bias in education submitted to the Women's Commission during open hearings in October 1972 indicated sex bias is still prevalent in most of Alaska's educational institutions. The Education Subcommittee has reviewed the testimony and other pertinent information submitted by state agencies. We have based our recommendation on this combined information.

Public Testimony (October 5, 1979)

The Title IX Coordinator, State Department of Education, stated that approximately one third of her time is spent in assisting School Districts with Title IX. There are no monies allocated through her grant for materials or workshops. She stressed the need for self evaluation and Title IX workshops for each school so that each can be made aware of its own deficiencies and the regulations of Title IX. She stated that there is a legal and moral responsibility to implement Title IX in its entirety, and that there is unequal treatment of the sexes. She stated that there is a very small percentage of women in school administration. She stated that the plight of the displaced homemaker is a direct result of sex bias in education and stressed that it is extremely important to instruct girls

in the many roles they must assume in life.

She also stated that the noncompliance of school districts is in not informing students and communities of their rights under Title IX. A grievance procedure must by law be provided (and made known to both students and the public). She stated that Title IX is a regulation that is designed to give boys and girls equal opportunity (in education). She stated that many school districts are in "paper compliance" as opposed to actual compliance.

Salary and Position Indicator: State Department of Education Computer Printout Of State Personnel Salaries by Category and Sex (September 1979):

An overview of this printout indicates:

1. The majority of classroom teachers at the elementary level are females; however, on the average, they are paid less than male elementary teachers with comparable education and positions.

2. Of the 175 principals listed, 20 are female.

3. There are no female superintendents or assistant superintendents in the State of Alaska.

4. The printout also indicates all assistant or vice principals are male. (I am assuming this is at the elementary level.)

A young woman, testifying both as a classroom teacher in Fairbanks and as immediate past President of N.E.A., Alaska stated that N.E.A. supports House Bill 411 and Title IX. She also said 13 school districts out of 52 have not done the required paperwork in the law (Title IX) which has been in effect for six years.

A person testifying on behalf of the Anchorage Education Association Women's Caucus stressed the need for Title IX and House Bill 411. She stated House Bill 411 would provide guidelines for eliminating sex bias in education. She spoke of her concerns about sex and race bias in curriculum and related her problems in the areas of athletics, (i.e. unequal equipment, gym time, etc.). She stressed the need for state enforcement of Title IX.

A coach from Kenai testified that the Alaska High School Activities Association is totally dominated by males. He said the vast majority of coaches of female sports are male. He stated that 90% of cheerleading coaches are female, while 80% of sponsors of student councils are male. He gave a vivid

description of two incidents of sex discrimination he had observed: (1) Girls' teams given boys' old track suits while boys' teams received new suits and (2) boys' athletic training always taking place near the boys' locker rooms while girls' training was not convenient to facilities. He said he supported Title IX; however, he felt that it was not strong enough.

He was not only concerned with the rights of females in school activities but also with the rights of males. He told of one coach who would not allow male students to try out for the cheerleading team: that coach told the boys they would not be allowed to play basketball if they cried out for cheerleading.

The current President of N.E.A. Alaska, stated that his organization represented over 80% of the teachers in the state. He said they supported House Bill 411. As a school counsellor in Ketchikan, he sees a definite need for state legislation similar to the federal Title IX.

Two women testified on behalf of the Parents Association. One stated that she was in support of Title IX. She also said that it is educators' responsibility to train girls to become women, wives, and mothers and to train them in a profession or occupation as well as to train boys to become men, fathers, husbands and to work well in an occupation or profession.

The second parent representative said she agreed with much of what had been said. She stated that she didn't think that we should expect a 50/50 split between men and women in responsible administrative positions because many women choose to stay home and be homemakers and are not in the work force while men are basically always in the work force.

A female accountant, testifying on her own behalf, urged that money be found for statewide workshops to bring about change in attitudes in the area of sex equity in education.

There was numerous testimony given (written, teleconference, and direct) on the lack of a comprehensive four year home economics program at the University of Alaska.

Testimony was also given on the lack of educational opportunities for women at the Ridgeview Correctional Center.

#### Recommendations:

After extensive study at this and other information submitted to the Commission on the subject of sex bias in education, it is the recommendation of

the subcommittee that:

1. House Bill 411 be passed as written.
2. State funds be allocated for workshops and media programs and announcements on sex bias in education so that:
  - (a) the public and educators will be able to recognize sex bias, and
  - (b) educators will be familiar with the stipulations of Title IX and House Bill 411.

\* \* \* \* \*

#### A D D E N D U M

The following recommendations were developed as a result of the Black Women's Conference Report, January, 1980. The report was prepared for the Commission to provide input on the concerns of Black women in Alaska. In the future the Commission plans to sponsor such reports from a wide variety of women's groups throughout the state.

Black women in Alaska are attempting to cope effectively with a dual discrimination system. These women are experiencing political, social, financial, and educational inequities because they are both Black and female.

To help remedy educational inequities, it is the recommendation of the education subcommittee that:

1. Educational institutions review existing tests which determine academic achievement levels (and are usually white male oriented) for biases which may be detrimental to Black females.
2. A realistic and extensive career orientation program addressing both traditional and nontraditional career fields and job seeking skills be established at the secondary level for young Black females.
3. An increased number of qualified Black females be moved into administrative positions and appointed to education committees.
4. More Black female counselors and teachers be employed to serve as both positive role models for young Black females, and assist students with academic and self-concept problems.
5. The community college in Anchorage make the Black public aware of its cooperative education program challenging testing, and other incentive programs so that Black females can gain college credits for job experience.
6. High schools and the University of Alaska collect and compile data on Black female students on an annual basis. This information should include: (1) number of Black females admitted, (2) number graduated, (3) drop-out rate, (4) employment follow-up, and (5) status of females after at least three years.

Thursday.

Schuhmann, the vice chairwoman of the Alaska Commission on the Status of Women, told administrators that testimony taken at the group's hearings indicates only about a quarter of the school districts in the state are in compliance with Title IX, the federal law requiring equity in education for girls and boys.

Schuhmann said she was a member of the commission's special committee on education, which has been holding hearings on sex bias in education by teleconference across the state, including Fairbanks, Anchorage, Juneau, Kenai and Nome.

"I think I can state with but exception that the right to receive fair and equitable education and employment opportunities for girls and women was a prime concern voiced over and over again," she said.

Schuhmann said there continue to be discrepancies in sports opportunities and vocational training.

She repeated a suggestion made last week at Bethel that vocational counseling begin early in grade school. "The women here felt that high school was much too late to receive such counseling," she said.

She said homemakers often find themselves forced to work following death or divorce from a spouse.

"These displaced homemakers have told us that their school never prepared them for the real facts of life," Schuhmann said.

She said that many women are never told that 90 per cent of all women in the United States will be employed at some time in their lives; that women make up 40 per cent of the labor force; that the majority of women work because of economic need; and that even if a woman marries, she can expect to work 25 years outside her home.

Schuhmann urged administrators to comply with Title IX in more than a paper effort designed to retain federal funds.

She commended school superintendents in efforts to train women for jobs as administrators and superintendents, but said the efforts would earn only a "D" or "F" if graded.

She said all school districts should have Title IX coordinators to analyze school policies and work to correct shortcomings.

# Schools lag<sup>AS</sup> in equity compliance

School district administrators from around the state were urged to eliminate sex discrimination in schools and to define the school's responsibilities to students at the annual convention of the Alaska Association of School Administrators Thursday.

The second and final day of the conference resumed this morning.

Local attorney Barbara Schuhmann and Department of Education Commissioner Marshall Lind were among speakers to address administrators Thursday.

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Schuhmann urged administrators to

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Astrid Sperry  
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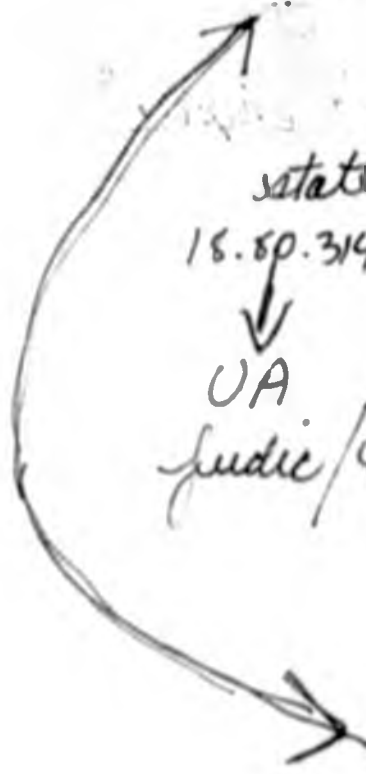
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conflict w/ Title 9  
& Fed Civil Rights Act  
& Human Rights AS

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↓  
VA  
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2. The ability to meet people and to express oneself orally and in writing.
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  - (a) Reading professional journals
  - (b) Participating in professional societies
  - (c) Continuing formal or informal study
4. The willingness to work hard (long hours when needed).



**For Additional Information**

Write for "Mapping Your Future?," a publication of the American Woman's Society of Certified Public Accountants and the American Society of Women Accountants. This booklet contains career information about various areas of accounting and includes geographic, age, and income statistics.

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WHY NOT  
CHOOSE  
ACCOUNTING?

-24d-

WHY NOT CHOOSE  
ACCOUNTING?



Karen W. works as an electrician like her father. Donna T. started her own auto servicing shop in New Jersey. Susan T. liked to work with her hands so she became a carpenter. Now she builds houses. Juan W. was always interested in how things worked so she took up electronics.

These women—and thousands others like them—have broken the “men only” barrier and are working in trade and technical fields at jobs they enjoy.

### enjoy what you do

“I like the independence it gives me.” “I can make more than a secretary, and even some college graduates.” “Office work would kill me, I’d hate a desk job.” “I’m good at working with my hands.” “I want to do something different.”

These are only a few of the good reasons women have for entering “non-traditional” fields.

And, in fact, these fields offer bright employment opportunities with a good future. For example, the demand for trained auto mechanics will be “plentiful,” according to the U.S. Department of Labor, with lots of growth in this field still to come. And, a 1974 study by the Labor Department of auto mechanics in 34 cities showed earnings of \$7 per hour. In fact, most salaries for skilled trade and technical workers with a few years of experience are above average.

For example, experienced carpenters, electricians and painters average a union hourly rate of \$8-9.00, according to the U.S. Department of Labor. (However, work may not be a steady 52 weeks, with time off during some seasons.) Many workers eventually become self-employed.

While millions of women still may want to pursue traditional careers (many of those requiring training have their own special advantages), other women are investigating all types of jobs.

It used to be considered unfeminine to even want to be a commercial deep sea diver or pilot or carpenter or any other of a variety of good-paying occupations. But, times have changed. And women

are making them change further, especially as they discover the outstanding opportunities offered by jobs traditionally claimed by men. The result is that the number of women attending specialized vocational schools in these non-traditional fields is increasing. “The word is getting around!” according to one private vocational school official.

### vocational school— your passport to a good career

All of the skilled trades require training. The first step in getting skilled begins in an accredited

vocational school which has the experience and knowhow to teach you your chosen trade.

You’ll be trained by teachers who have actually worked in their field. They stress practical knowledge, not just theory and believe the best way to learn is by doing. “Hands-on” training at a vocational school lets you solve real work problems by using the tools and materials required on the job.

And, only those courses directly related to your chosen field are normally required. No additional or liberal arts courses are needed. As a result, training at a vocational school takes the shortest time possible, often a matter of months.

### what else can a vocational school do for me?

Training is only part of the job. As you near graduation, you’ll find the school’s placement service can be a valuable key to the world of work.

Most accredited trade and technical schools have built up strong industry contacts over the years. Employers needing trained workers call or visit the school for graduates. As a graduate, your chances of getting a good job are increased. And today, women have more opportunity than ever before to be equally considered for employment in all fields.

### what trade and technical careers can I learn, and how long will it take?

Today, a woman can be anything she wants. Vocational schools offer a wide variety of courses in “non-traditional” fields—all are open to women. Check the box to the left which lists courses offered by accredited schools and the number of weeks normally required for graduation.

Ask your counselor for a free *Directory of Accredited Private Trade and Technical Schools*, which lists these and dozens of other opportunities and gives the addresses of over 400 schools. Or write: National Association of Trade and Technical Schools, 2021 L Street, N.W., Washington, D.C. 20036.

### guide to skill training at natts schools

skill	term
Air Conditioning	12-12 weeks
Appliance Repair	12-12 weeks
Architectural Engineering Technology	60-100 weeks
Automotive Mechanics	14-20 weeks
Aviation Mechanics	32-64 weeks
Barbering	22-22 weeks
Blueprint Reading	2-20 weeks
Bookbinding	101 weeks
Broadcasting	10-22 weeks
Building Maintenance	62-60 weeks
Camera Service & Repair	12-20 weeks
Carpentry	102 weeks
Car Upholstery Machine Repair	24 weeks
Construction Technology	22-104 weeks
Culinary Arts	12-12 weeks
Data Processing	21-100 weeks
Diving	8-12 weeks
Drafting	19-22 weeks
Electrician	21-104 weeks
Electronics	22-102 weeks
Estimating, Building	12 weeks
General Milling	68 weeks
Hoisting	12-24 weeks
Heavy Equipment Mechanics	4 weeks
Heavy Equipment Operation	2-12 weeks
Hotel-Motel Training	12-12 weeks
Industrial Management	72 weeks
Instrumentation	72-20 weeks
Low Pressure Spraying	16 weeks
Machine Shop	14-102 weeks
Meat Cutting	8 weeks
Mechanical Engineering Technology	64-100 weeks
Metallurgical Technology	77 weeks
Office Machine Repair	12-20 weeks
Painting & Decorating	102 weeks
Paint, Commercial	12-20 weeks
Plumbing	22 weeks
Printing	22-12 weeks
Real Estate Brokerage	8 weeks
Screening	72 weeks
Tailoring	8-20 weeks
Taxi & Truck	22-100 weeks
Truck Driving	1-4 weeks
Welding & Metal Working Technology	22-12 weeks
Welding	2-12 weeks

## physical requirements— would I meet them?

Some occupations like carpentry, welding, electricity, auto mechanics and plumbing require lifting and carrying equipment and materials. You may have to be able to handle 50 pounds. Some trades are not for sit-down types—they may require a good deal of physical activity. And some work may take you outdoors in all types of weather.

While most women are probably capable of meeting the physical requirements, they should be aware that heavy work is part of some trades-workers' jobs.

Other jobs such as electronics, appliance repair and drafting usually have lighter physical requirements.

However, each trade and technical career has its own set of requirements—check them out!

## make an investment in your future

Getting skilled is one of the best investments a woman can make. A few months of training will provide you with a lifetime skill—a skill which can increase your earning potential and put your talents to work in a good and satisfying career.

Today, 9 out of every 10 women work—the average single woman will work for 45 years, and married women are likely to spend 25 years in a job. With the high cost of living, even married women find two good incomes are sometimes necessary. And, as an increasing number of couples separate or divorce, more women are faced with the need to earn their own livings.

As a result, more women are becoming career-wise in order to prepare for the fullest use of their abilities and interests.

Every woman should have a skill even if she doesn't plan to enter the work force immediately. A skill is always handy to have—a good investment which pays off now and later in three important ways:

- *To Fall Back On* should you have to work. Skilled workers earn substantially more than unskilled, and many women will eventually have to support themselves.

- *To Do-It-Yourself* around the house. Many non-traditional skills help to provide you with the knowhow to keep your house and appliances functioning. With the high cost of labor these days that can be quite a savings.

- *To Work for Yourself* at your convenience while you raise a family. While a full-time career may not suit your plan, you may want to bring in extra money using your skill. Many workers in non-traditional fields do, in fact, start their own businesses and become self-employed.

## how can I find out if I'm going to like it?

Get all the information you can. Talk to your high school counselor.

Also, ask employers about the opportunities, salaries, and duties in a career you're interested in.

For specific information on a particular career write to the Bureau of Labor Statistics, U.S. Department of Labor, Washington, D.C. 20212.

For a free directory of accredited schools write to the National Association of Trade and Technical Schools, 2021 L Street, N.W., Washington, D.C. 20036.



# what's a nice girl like you doing in a man's world?

## opportunities for women in trade and technical fields

# How about a Career with Mathematics?





People in some parts of the world still use the same kinds of tools long used by their ancestors. Shown in these pictures are people in Chad, an African country, and Turkey (top row, left to right) and New Guinea and Panama (bottom row, left to right). The Chad women are mounding a grain called millet. What are the people in the other pictures doing? What kinds of tools are they using?

A lot of bigger tools can't be carried around by one person, but they can be moved. Examples are refrigerators, trucks, airplanes, and rockets for launching things into space.

Other tools stay put. These are things like roads, river dams, and steel mills.

Is a pencil a tool? A map? This book? A desk?

Look about you wherever you are right now. Name as many tools as you can see. Tell what purpose each of them serves.

### WHAT IS TECHNOLOGY?

What do tools have to do with culture? People use tools in their technology (tek-NOL'uh-jee). And technology is just as important a part of culture as language is. Technology is all of the tools used and invented by human beings plus the skills needed to use those tools.

There are no human groups without technology. All peoples make tools and use them to provide for their needs and comforts. In some parts of the world, people have only a few, simple tools. (See the pictures on these pages.)

In other parts of the world, people have more complicated tools. Compare the tools shown on pages 56-57 with the simple tools shown here. Can you think of some general ways in which they are different?



What about the second example on page 148? Some women are good cooks. Is every woman a good cook? What about men cooks? It *may* be true that more women than men are good cooks. But if so, it's not because women were born that way. Can you think of a reason why more women than men may be good cooks?

Consider the third example: "Boys are better in math than girls." Is it true that any boy can get better grades in math than any girl?

Test the stereotype. Take a secret poll of the students in your classroom to find out what grades they got on their last math test. Did some of the girls get higher grades than some boys? If so, what does that show about the third statement?

Now consider the fourth example in the same way you've examined the other three stereotypes.

### CAN STEREOTYPES GET YOU INTO TROUBLE?

Not only are stereotypes of groups wrong. They can also be dangerous. Below is a chart listing another set of stereotyped beliefs. Copy the chart on a piece of paper. In the second column, write down something that could happen if you accepted these beliefs as always true

STEREOTYPED BELIEFS	WHAT COULD HAPPEN
Dogs are always friendly.	
All drivers obey stop signs	
Hunters never keep loaded guns around the house.	
You can trust boys to keep secrets	
Americans are the smartest people in all the world.	



Which of the persons shown above do you think gets the best grades? Which is the best singer? Which is the best ballplayer? Which is neatest? Which is the most talkative?

## "THEY'RE ALL ALIKE"

Social scientists have a special word for thinking about a group of human beings as though they are all alike. That word is **stereotyping** (STAIR'ee-uh-TY'ping). When we stereotype any group of people, we think or say the members of that group are all the same. Here are some examples of stereotypes:

- Girls are neat and quiet.
- Women are the best cooks.
- Boys are better in math than girls.
- People with red hair have hot tempers.

## ARE STEREOTYPES TRUE?

It's easy to fall into the trap of thinking that people are the same. The trouble with stereotypes is that they ignore individual differences. Look at the first example above. Do you think that statement is true for all girls? Can you know if girls who are neat and quiet?

CONTACT LIST

Follow-up Activities

Here is a list of people you will need to contact, either to gain information, or to inform them of your findings.

Local School Principals

Local Superintendent of Schools

Local School Board Members

Local Title IX Coordinator (list attached)

Local Legislators (list attached)

Legislative Committee members (list attached). As of the end of the 1979 session, HB 411 was in the House Rules Committee.

State IX Coordinator: G. Rozalynn Foris, Alaska Department of Education  
Juneau, Alaska 99811

Legislative Information Offices keep current information on all bills before the legislature, and help citizens to send public opinion messages and to participate in teleconferences. Currently there are four offices, and new ones are scheduled to open soon.

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101 College Rd. Building F Room 250  
Fairbanks, Alaska 99701  
Phone No. 452-4449

Legislative Information Office  
415 Main Street, Room 301  
Ketchikan, Alaska 99901  
Phone No. 225-9675

Legislative Information Office  
P. O. Box 25  
Nome, Alaska 99762  
Phone No. 443-5287

Legislative Information Office  
1024 W. 6th Avenue  
Anchorage, Alaska 99501

Public Opinion Messages are a free service by which citizens may send opinions to Juneau. You may do so by calling the Legislative Information Office in your area and dictating to them a short paragraph, or send the office a short written paragraph along with your name, address and phone number. Address your message to your local legislator or to appropriate committee members; time them to arrive shortly before votes are scheduled. The Legislative Information Office can give you this information.

Teleconferences are sometimes set at the request of committee chairpersons to increase statewide input on matters before the committee. Public opinion messages and letters can be used to request teleconferences.

Watch your local newspapers and broadcast media for announcements of teleconferences on HB 411, or check with your local Legislative Information Office. If you wish to participate in a teleconference, go to the Legislative Information Office to have your opinion televised and relayed to Juneau.

LEGISLATIVE STANDING COMMITTEES  
1979 - 1980  
ELEVENTH LEGISLATURE - FIRST SESSION

HOUSE

Commerce

Brown (Chairman)  
Hunton (Vice-Chairman)  
Malone, Osterback,  
Battisworth, Halford, Randolph

Community & Regional Affairs

Parker (Chairman)  
Carmy (Vice-Chairman)  
Parr, Zaroff,  
Branson, Natscale, O'Connell

Finance

Necklins (Chairman)  
Freeman (Vice-Chairman)  
Duncan, Guy, McKinnon, Moss, Rogers,  
Smith, Schaeffer,  
Haugen, Montgomery

Health, Education & Social Services

Buchholz (Chairman)  
Hunton (Vice-Chairman)  
Hurlbert, Miles, Barnes,  
Belme, Chatterton

Judiciary

Parr (Chairman)  
Anderson (Vice-Chairman)  
Brown, Buchholz, Malone,  
Barnes, Martin, O'Connell, Phillips

Labor and Management

Hurlbert (Chairman)  
Rogers (Vice-Chairman)  
McKinnon, Miller,  
Battisworth, Branson, Hayes

Resources

Osterback (Co-Chairman,  
Miles (Co-Chairman)  
Zharoff (Vice-Chairman)  
Carmy, Cotton, Fuller,  
Chatterton, Eliason, Halford

Rules

Cotton (Chairman)  
Brown (Vice-Chairman)  
Anderson, Miller, Parr,  
Hayes, Phillips

State Affairs

Miller (Chairman)  
Fuller (Vice-Chairman)  
Gardner, Parker,  
Eliason, Martin, Natscale

SENATE

Commerce

W. Bradley (Chairman)  
Sturgulawski (Vice-Chairman)  
Kaltly, Ferguson, Stimson

Community & Regional Affairs

Sturgulawski (Chairman)  
Mulcahy (Vice-Chairman)  
Kaltly, Rodey, Stimson

Finance

Sackett (Chairman)  
Bennett, Danworth, Mackney,  
Sumner, Holman, Kay

Health, Education & Social Services

Heckney (Chairman)  
Ferguson (Vice-Chairman)  
Collatte, Sturgulawski,  
Fahrenkamp

Judiciary

Ziegler (Chairman)  
Danworth (Vice-Chairman)  
Bennett, Neland, Kay

Labor and Management

Ferguson (Chairman)  
Ray (Vice-Chairman)  
Bradley, Collatte, Kerttula

Resources

Sumner (Chairman)  
Danworth (Vice-Chairman)  
Bennett, Mulcahy,  
Fahrenkamp, Kerttula,  
Neland

Rules

Collatte (Chairman)  
Ziegler (Vice-Chairman)  
Sumner, Tilton, Holman

State Affairs

Mulcahy (Chairman)  
Kaltly (Vice-Chairman)  
Bradley, Rodey, Ziegler

# ALASKA STATE LEGISLATURE

ELEVENTH LEGISLATURE - FIRST SESSION

1979 - 1980

---HOUSE OF REPRESENTATIVES---

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Bairne, M. F. (R)	1020 "I" St., Suite 1, Anchorage 99501	7
Bettlaworth, Robert H. (R)	Box 80288, College 99708	20
Branson, Margaret (R)	Box 740, Cooper Landing 99572	5
Brown, Fred E. (D)	Box 1718, Fairbanks 99707	20
Buchholdt, Thelma (D)	2607 Kona Lane, Anchorage 99503	9
Carnay, Patrick J. (D)	S.R. Box 3051, Wasilla 99187	6
Chatterton, C. V. (R)	2308 Boniface Parkway, Anchorage 99504	10
Cotton, Samuel R. (D)	Box 296, Eagle River 99577	8
Duncan, Jim (D)	R. R. 4, Box 4316, Juneau 99803	4
Elisson, Richard I. (R)	Box 143, Sitka 99835	5
Freeman, Oral (D)	2743 3rd Ave., Ketchikan 99901	1
Fulmer, John G. "Jack" (D)	Box 689, Homer 99762	22
Gardiner, Terry (D) <u>SPEAKER</u>	Box 6092, Ketchikan 99901	1
Guy, Phillip (D)	Ketchikan 99671	17
Halford, Richard W. (R)	Box 66, Chugiak 99567	8
Haugen, E. J. (R)	Box 1049, Petersburg 99833	2
Hayes, Joe L. (R)	625 W. Fifth Ave., Suite 1, Anchorage 99501	12
Hurlbert, Vernon L. (D)	General Delivery, Sleetmutes 99668	18
Malone, Hugh (D)	Box 9, Kasilof 99611	19
Martin, Terry (R)	3960 Naka Drive N-6, Anchorage 99504	8
McKinnon, Joseph M. (D)	1411 W. 32nd St., Anchorage 99503	9
Mockins, Russ, Jr. (D)	1526 "K" Street, Anchorage 99501	7
Metcalfe, Ray M. (R)	Box 4-2766, Anchorage 99509	11
Miles, Bill (D)	P.O. Box 4-2038, Anchorage 99507	7
Miller, Mike (D)	Box 1494, Juneau 99802	4
<del>Montgomery, Joe H. (R)</del>	1048 Beach Lane, Anchorage 99501	17
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Munson, Joyce (D)	935 East 79th, Anchorage 99302	11
O'Connell, Patrick M. (R)	Route 2, Box 743, Soldotna 99669	13
Osterback, Alvin (D)	Box 71, Sand Point 99681	15
Parker, Bill (D)	280 Denali Street, Anchorage 99501	7
Parr, Charles W. (D)	S.F. Box 50399, Fairbanks 99701	20
Phillips, Randy (R)	Box 142, Eagle River 99577	8
Randolph, Richard L. (L)	Box 123, Fairbanks 99707	20
Rogers, Brian (D)	P.O. Box R, College Branch, Fairbanks 99708	20
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Smith, Sarah J. (D)	321 Church Street, Fairbanks 99701	20
Zharoff, Fred F. (D)	Box 403, Kodiak 99615	14

--SENATE--

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*Holman, George H. (D)	Box 289, Bethel 99559	M
Kelly, Tim (R)	283 Mildom Rd., Station Box 76, Anchorage 99504	F
*Korotule, Jalmar M. (D)	Box 2, Palmer 99845	D
*Maland, H. D. "Pete" (D)	Box 53, Sitka 99835	S
Malcahy, Bob (R)	Box 244, Kodiak 99615	L
Ray, Bill (D)	183 Behrens - one, Juneau 99801	:
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Sturgisushi, Arilee (R)	2937 Sheldon Jackson St., Anchorage 99504	N
*Summer Bill (R)	2216 Culver Place, Anchorage 99503	E
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\*Senators terms expire in 1981. Others have terms expiring in January 1981.

The addresses listed above should be used when the Legislature is not in session. During sessions, members of the Legislature receive mail at Pouch V, Juneau, Alaska 99911 (Mail Stop Number 3100)

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# Alaska State Legislature

## Senate

Charlie Parr, Chairman  
Terry Stinson, Vice-Chairman  
Vic Fischer  
Tim Kelly  
Mike Colletta

### Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

465-4907  
465-4908

#### MEMORANDUM

TO: Senate HESS Committee Members

FROM: Rocky Plotnick Weller

DATE: January 30, 1981

RE: Senate Bill 99 - Prohibiting Sex Discrimination in Education

The attached packet has been prepared from a workshop. Sex Bias in Education, compiled by the Alaska Commission on the Status of Women in October, 1979. Several pages have been omitted because they are outdated. If anyone wants to see the entire packet, I have a copy.

*Rocky*

JAY S. HAMMOND  
GOVERNOR



PHONE  
(907) 276-3003

**STATE OF ALASKA**  
OFFICE OF THE GOVERNOR

ALASKA COMMISSION ON THE STATUS OF WOMEN  
338 DENALI STREET, SUITE 880  
ANCHORAGE, ALASKA 99501

**SEX BIAS IN EDUCATION WORKSHOP**

COMPILED FOR ACSW BY  
KAY REESE  
OCTOBER, 1979

Boys and girls in America grow up with different lifeplans and different concepts of themselves. Sometimes, unfortunately, these ideas may greatly limit the individual's potential for growth and choice; and sometimes these limitations are based solely on sex. This kind of sex-biased training is the suspect of this workshop.

About Title IX:

In 1972, Title IX of the Federal Education Amendment forbade sex discrimination in any school receiving federal funds. It specifically addressed several areas: Sports, vocational education, counseling, and employment, and required each school district to comply with detailed guidelines.

Since that time, some Alaskan school districts have complied with Title IX by assessing the sex-fairness of their programs, by hiring a person to oversee Title IX implementation and by instituting reforms to eliminate sex bias and discrimination in their schools. On the other hand, some districts have done very little.

About HB 411:

Because much sex discrimination still exists in Alaskan schools, there is now a bill before the Alaska House of Representatives which would ban sex discrimination from the state level as well as from the federal level. A copy of this bill, HB411, is included in this packet.

The purpose of this workshop is twofold: 1) to give you a tool with which to discover whether sex discrimination and bias exist in your local school system, and 2) if so, to give you suggestions as to how to work for the passage of HB411, to eliminate that problem.

### About This Workshop Packet:

The packet is divided into three main sections: introductory and background material, workshop activities, and follow-up activities.

#### I. Introduction and Background Material, ppl 1-16 :

Here you will find an outline of this workshop packet, a copy of HB411, and a short summary of Title IX. Each member of the group should read this section, so as to keep the basic purpose of the workshop in mind.

II. Workshop Activities, pp 17 - 43 : These activity packets cover the five areas which would be regulated by HB411: textbooks, high school counseling, vocational education, sports, and employment.

In each activity packet you will find:

The Problem: a very brief statement of the main problem in this area.

The Goal: a simple statement of a sex-fair goal.

Finding Out: two or three activities your group can do to evaluate sex-fairness in your school.

These materials are meant to be flexible, so that your group can spend from two to twenty hours on them, depending on the number of people and amount of time you have.

If your time and numbers are short, you might assign one activity packet to each person and have that person report back to the group.

If your time and numbers allow, have the entire group deal with each activity packet so that everyone will gain more familiarity with all the problems involved in sex discrimination in schools. Some exercises, such as interviews, can easily be done by one person and then shared with the group; some exercises, such as the textbook evaluations and the analyses of information, can well be done by each group member.

However you decide to allot the work within your group, be sure to set aside time to discuss each subject after the paperwork is done.

Notes: At the end of each packet is a brief attachment, usually a copy of some new material which attempts to be sex-fair or encouraging to women.

#### III. Implementation and Contact List, pp. 44-51 :

After you have completed the workshop activities and have come to some conclusions about your school system, you may decide to press for passage of HB411. This section details a step-by-step procedure for doing this. Also in this section you will find a list of people who will be able to give you information about your schools, or who are in a position to influence passage of HB411.

### Why Another Law?

It may occur to you or to some of the people you contact to wonder why the state of Alaska needs a sex-fairness law, when the federal Title IX already exists. There are two reasons:

1. HB411 would cover two important areas not covered by the federal law, textbooks and curriculum.
2. Having state law expands the number of possible remedies in case of infraction. Under Title IX, the remedies are to file a complaint through the local school system, or to complain directly to the Department of Health, Education and Welfare, with the possible result that federal funds may be withheld if an infraction is found. A recent U. S. Supreme Court ruling also indicates that a citizen may sue a post-secondary school directly for civil damages if discrimination is suspected.

If the State of Alaska passed an antidiscrimination law, the citizen would have not only the above remedies, but would also be able to file a complaint with the State Human Rights Commission and to sue in state courts. Thus, the remedy would be faster and local and the school would be faced with the possibility of losing not only federal, but also state funds.

#### Before You Begin:

Many of the activities in this workshop are based on activities developed for the purpose of evaluating compliance with Title IX. While that is not the primary purpose of this workshop, Title IX materials have been used as guidelines, since many of the issues are the same. Sometimes Title IX guidelines are quoted simply to explain what ought to be the status quo in schools now.

In gathering information for this workshop, remember that your purpose is not primarily to evaluate compliance with the federal Title IX, but rather to discover whether sex discrimination exists in your schools so that you can decide whether to urge passage of HB411.

When you may encounter hostility from school employees who feel that they and their values are being personally questioned. Try to emphasize that your interest is not in questioning any one person's attitudes, but in examining and learning how the school system works, so that you can decide whether a new law is needed. You may find that the very fact that your group is examining this issue will serve to point out problems to school officials and perhaps stimulate improvements.

As you participate in the workshop you may decide to interview school employees and to request certain records and statistics. Remember that access to this information is your right as a taxpayer. You are not a busybody; you are a citizen, perhaps a parent, who pays for the education of children in your community. You have a right to know how that education is being conducted.

The activities in this workshop deal with all the issues covered in HB-11, but they only scratch the surface of sex bias in education. There is much more to be said about the history of sex bias, about its ramifications for both boys and girls, and about possible remedies. This workshop will not make you an expert.

If, however, after completing this workshop, you become convinced that sex bias does exist in your schools, and you can point to specific examples, you may find that you know more about the subject than many people do. There is a widespread feeling that sex bias in education, if it ever existed, is a thing of the past. You will be in a position to offer proof that this is not true, and to share that information with people who have the power to affect the future of our children.



## SUMMARY OF THE REGULATION\* FOR TITLE IX EDUCATION AMENDMENTS OF 1972

*Title IX of the Education Amendments of 1972 says:*

**"No person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. . . ."**

With certain exceptions, the law bars sex discrimination in any academic, extracurricular, research, occupational training or other educational program (preschool to postgraduate) operated by an organization or agency which receives or benefits from federal aid. Exempted from the provisions of Title IX are schools whose primary purpose is training for the U.S. military services or the merchant marine and educational institutions controlled by religious organizations whenever compliance with Title IX would be contrary to their religious beliefs. In addition, the "Bayh Amendment" to Title IX exempts the membership policies of the Girl and Boy Scouts, the YMCA and YWCA, Campfire Girls and other single sex "youth service organizations" whose members are chiefly under age 19. This special exemption does not apply to recreational youth groups such as Little League. Also exempted by the amendments are university-based social fraternities and sororities.

Basically, the regulation for Title IX falls into five categories: general matters related to discrimination on the basis of sex, admissions, treatment of students once they are admitted, employment and procedures.

The following summary was adapted by PEER from a summary prepared by the Resource Center on Sex Roles in Education of the National Foundation for Improvement of Education.

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\*45 CFR Part 86. The text appears in the *Federal Register*, June 4, 1975, page 24128. Copies are available from the Director, Office for Civil Rights, U.S. Department of Health, Education and Welfare, 330 Independence Ave., SW, Rm. 3238, Washington, D.C. 20201.

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PEER, the Project on Equal Education Rights, is a project of the NOW Legal Defense and Education Fund, funded by the Ford Foundation to monitor enforcement progress under federal law forbidding sex discrimination in education. 1029 Vermont Avenue, NW, Suite 800, Washington, D.C. 20005. Project Director: Molly Knox, Associate Director: Cletia Steele. Staff: Robin Gordon, Mary McRae, Chris Puenzo, Lynda Weston.

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## TITLE IX, PEER SUMMARY (cont.)

### GENERAL PROVISIONS — § 86.3 - 86.9

Each recipient of federal education aid must evaluate its current policies and practices to determine whether they comply with Title IX. Each recipient must then take whatever steps are necessary to end discrimination. Institutions must keep a description of these steps on file for three years, and they must complete the evaluation and steps to overcome the effects of bias by July 21, 1976.

The regulation also requires that recipients adopt and publish grievance procedures to resolve student and employer complaints alleging discrimination prohibited by Title IX. (Victims of discrimination are not required to use these procedures — they may file a complaint directly with the U.S. Department of Health, Education and Welfare.)

Recipients (for example, a school district, state education agency, or university) must appoint at least one employee to coordinate its efforts to comply with Title IX.

The regulation requires recipients to notify students, parents, employees, applicants, unions and professional organizations that they do not discriminate on the basis of sex. Students and employees must be told how to contact the employee coordinating Title IX compliance efforts.

By Oct. 21, 1975, recipients were required to issue this notice in the local press, student and alumni newspapers, and by a letter sent directly to students and employees. After that, all announcements, bulletins, catalogs and applications must contain a notice.

### ADMISSIONS — § 86.21 - 86.23

The regulation bars sex discrimination in admissions to certain kinds of institutions: those of vocational, professional, graduate, and public coeducational undergraduate institutions. Admissions to private undergraduate institutions are exempt, including admissions to private, undergraduate professional and vocational schools. HEW will look at the admissions practices of each "administratively separate unit" separately.

Specifically, the regulation bars limitations (i.e., quotas) on the number or proportion of persons of either sex who may be admitted, preference for one sex, ranking applicants separately by sex, and any other form of differential treatment by sex.

The recipient may not use a test or other criterion for admission which adversely affects any person on the basis of sex unless the test or criterion is shown to predict successful completion of the educational program, and unbiased alternatives are not available. Also prohibited are rules concerning parental, family, or marital status of students which make distinctions based on sex; discrimination because of pregnancy or related conditions; and asking an applicant's marital status. Recipients can ask an applicant's sex if the information is not used to discriminate.

The recipient must make comparable efforts to recruit members of each sex, except when special efforts to recruit members of one sex are needed to remedy the effects of past discrimination.

Implementation is laid out in clearer detail in the "AAC Partial List of Actions"

Grievance procedures are required at the school/district level.

TITLE IX, PEER SUMMARY (cont.)

TREATMENT OF STUDENTS —  
§ 86.31 - 86.42

General Coverage — § 86.31

Although some schools are exempt from coverage with regard to admissions, all schools must treat their admitted students without discrimination on the basis of sex. Briefly, the treatment of students section covers courses and extracurricular activities (including student organizations and competitive athletics), benefits, financial aid, facilities, housing, rules and regulations (including rules of appearance), and research. A student may not be limited in the enjoyment of any right, privilege, advantage or opportunity based on sex.

The regulation forbids a recipient to aid or perpetuate sex discrimination by providing "significant assistance" to any agency, organization or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees (with some exceptions, including the membership policies of social fraternities and sororities, Boy and Girl Scouts, YMCA and YWCA). (Significant assistance may include the provision of a facility or faculty sponsor.)

Situation 5

Housing and Facilities — § 86.32 and 86.33

Institutions may provide housing separately for men and women. However, housing for students of both sexes must be as a whole:

- proportionate in quantity to the number of students of that sex that apply for housing, and
- comparable in quality and cost to the student.

Institutions may not have different housing policies for students of each sex (for example, if a college allows men to live off campus, it must allow women too).

Toilets, locker rooms and shower facilities may be separated on the basis of sex, but these facilities must be comparable for students of both sexes.

Rights to privacy are protected.

Courses and other Educational Activities —  
§ 86.34 and 86.35

Courses or other educational activities may not be provided separately on the basis of sex. An institution may not require or refuse participation in any course by any of its students on that basis. This includes physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

Situation 1

However, sex education is an exception: portions of elementary and secondary school classes dealing with human sexuality may be separated by sex.

Again, rights to privacy are protected.

In physical education classes, students may be separated by sex within coeducational classes when playing contact sports. Contact sports include wrestling, rugby, ice hockey, football, basketball, and any other sport "the purpose or major activity of which involves bodily contact."

Recipients must end single sex physical education classes "as expeditiously as possible," but elementary schools have until July 21, 1978, to comply fully. Secondary and post-secondary institutions must comply fully with this requirement by July 21, 1978.

## TITLE IX, PEER SUMMARY (cont.)

Choruses may be based on vocal range or quality and may result in single-sex or predominantly single-sex choruses.

Local school districts may not, on the basis of sex, exclude any person from:

- any institution of vocational education;
- any other school or educational unit, unless the school district offers that person courses, services and facilities which are comparable to those offered in such schools, following the same policies and admission criteria.

### Counseling -- § 86.36

A recipient may not discriminate on the basis of sex in counseling or guiding students.

Whenever a school finds that a class has a disproportionate number of students of one sex, it must take whatever action is necessary to assure that sex bias in counseling or testing is not responsible.

A recipient may not use tests or other appraisal and counseling materials which use different materials for each sex or which permit or require different treatment for students of each sex. Exceptions can be made if different materials used for each sex cover the same occupations and they are essential to eliminate sex bias.

Schools must set up their own procedures to make certain that counseling and appraisal materials are not sex-biased. If a test does result in a substantially disproportionate number of students of one sex in a course of study or classification, the school must take action to ensure that bias in the test or its application is not causing the disproportion.

### Student Financial Aid -- § 86.37 and 86.31(c)

The regulation covers all forms of financial aid to students. Generally, a recipient may not, on the basis of sex:

- provide different amounts or types of assistance, limit eligibility, apply different criteria, or otherwise discriminate;
- assist through solicitation, listing, approval, provision of facilities, or other services any agency, organization or person which offers sex-biased student aid;
- employ students in a way that discriminates against one sex, or provide services to any other organization which does so.

If all sopranos turn out to be girls, its OK to have an all-girl soprano section; and so on.

### Situation 4

This is a strongly worded section: no exceptions or exemptions.

This is not an "exception": Its purpose is to eliminate sex bias.

## TITLE IX, PEER SUMMARY (cont.)

There are exceptions for athletic scholarships and single-sex scholarships established by will or trust.

**Athletic scholarships.** An institution which awards athletic scholarships must provide "reasonable opportunities" for both sexes, in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. Separate athletic scholarships for each sex may be offered in connection with separate male/female teams to the extent consistent with both the section on scholarships and the section on athletics (86.41).

**Scholarships for study abroad.** The regulation exempts discriminatory student assistance for study abroad (such as Rhodes Scholarships), provided that a recipient which administers or helps to administer the scholarship awards makes available similar opportunities for the other sex. (86.31(c)).

**Single sex scholarships.** An institution may administer or assist in the administration of scholarships and other forms of student financial aid whenever a will, trust, or bequest specifies that the aid can only go to one sex, as long as the overall effect of making sex-restricted awards is not discriminatory.

To ensure this, institutions must:

- select financial aid recipients on the basis of nondiscriminatory criteria, not the availability of sex-restricted scholarships;
- allocate sex restricted awards to students already selected in such a fashion; and
- ensure that no student is denied an award because of the lack of a sex-restricted scholarship.

### Student Health and Insurance Benefits — § 86.38

Student medical, hospital, accident or life insurance benefits, services, or plans may not discriminate on the basis of sex. This would not bar benefits or services which may be used by a different proportion of students of one sex than of the other, including family planning services.

Any school which provides full coverage health services must provide gynecological care.

### Marital or Parental Status — § 86.40

The regulation bars any rule concerning a student's actual or potential parental, family, or marital status which makes distinctions based on sex.

A school may not discriminate against any student in its educational program, including any class or extracurricular activity, because of the student's pregnancy, childbirth, false pregnancy, miscarriage, or termination of pregnancy, unless the student requests voluntarily to participate in a different program or activity.

If a school does offer a voluntary, separate education program for pregnant students, the instructional program must be comparable to the regular instructional program.

A school may ask a pregnant student to have her physician certify her ability to stay in the regular education program only if it requires physician's certification for students with other physical or emotional conditions.

At this time, elimination of discrimination is being defined as "providing reasonable opportunities."

Situation 2

## TITLE IX, PEER SUMMARY (cont.)

Recipients must treat disabilities related to pregnancy the same way as any other temporary disability in any medical or hospital benefit, service, plan or policy which they offer to students. Pregnancy must be treated as justification for a leave of absence for as long as the student's physician considers medically necessary. Following this leave, the student must be reinstated to her original status.

### Athletics — § 86.41

**General coverage.** The regulation says that no person may be subjected to discrimination based on sex in any scholastic, intercollegiate, club or intramural athletics offered by a recipient of federal education aid.

**Separate teams and contact sports.** Separate teams for each sex are permissible in contact sports or where selection for teams is based on competitive skill. Contact sports include boxing, wrestling, rugby, ice hockey, football, basketball, and any other sport "the purpose or major activity of which involves bodily contact."

In noncontact sports, whenever a school has a team in a given sport for one sex only, and athletic opportunities for the other sex have been limited, members of both sexes must be allowed to try out for the team.

**Equal opportunity.** A school must provide equal athletic opportunity for both sexes. In determining whether athletic opportunities are equal, HEW will consider whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes. The Department will also consider (among other factors): facilities, equipment, supplies, game and practice schedules, travel and per diem allowances, coaching (including assignment and compensation of coaches), academic tutoring, housing, dining facilities, and publicity.

Equal expenditures are not required, but HEW "may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex."

**Adjustment period.** Elementary schools must comply fully with the section covering athletics "as expeditiously as possible" but no later than July 21, 1976. Secondary and post-secondary institutions have until July 21, 1978, to comply fully.

### Textbooks — § 86.42

The regulation does not require or abridge the use of particular textbooks or curriculum materials.

At this time, elimination of discrimination is being defined as "equality of opportunity." This is a complicated, somewhat vague term resting heavily on the good faith of the school and district.

### Situation 5

Situation 6; State laws and guidelines may cover textbooks and materials.

## TITLE IX, PEER SUMMARY (cont.)

### EMPLOYMENT — § 86.51 - 86.61

#### General Provisions — § 86.51 - 86.55

All employees in all institutions are covered, both full-time and part-time, except those in military schools, and those in religious schools to the extent compliance would be inconsistent with the controlling religious tenets.

In general, the regulation prohibits discrimination based on sex in employment, recruitment, and hiring, whether full-time or part-time, under any education program or activity which receives or benefits from federal financial aid. It also bars an institution from entering into union, employment agency, or fringe benefit agreements which subject individuals to discrimination.

An institution may not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

The regulation prohibits sex discrimination in all aspects of employment, including employment criteria, advertising and recruitment, hiring and firing, promotion, tenure, pay, job assignments, training, leave, and fringe benefits.

If the institution is found to have practiced sex discrimination in recruitment or hiring, however, it must recruit members of the sex against which it has discriminated to overcome the effects of past discrimination.

#### Fringe benefits — § 86.56

Fringe benefit plans must provide either for equal periodic benefits for male and female employees or equal contributions for both sexes. Retirement plans may not establish different retirement ages for employees of each sex.

#### Marital status and pregnancy — § 86.57

An institution may not apply any employment policy concerning the potential marital, parental or family status of an employee or employment applicant which makes distinctions based on sex.

In addition, it may not have policies based on whether the employee or applicant is head of household or principal wage earner in the family.

An institution may not discriminate in employment on the basis of pregnancy or related conditions. A temporary disability resulting from these conditions must be treated as any other temporary disability for all job-related purposes, including leave, seniority, reinstatement and fringe benefits. If the employer has no temporary disability policy, pregnancy and related conditions must be considered a justification for leave without pay for a "reasonable" time period and the employee reinstated to her original or comparable status when she returns from leave.

#### Effect of state and local laws — § 86.58 and 86.6

The obligation to comply with this regulation is not precluded by any state or local laws.

Situation 7

## TITLE IX, PEER SUMMARY (cont.)

### ENFORCEMENT PROCESS — § 86.71\*

In enforcing Title IX, the U.S. Department of Health, Education and Welfare will follow the procedures of Title VI of the Civil Rights Act of 1964. Under these procedures HEW conducts compliance reviews — broad-based investigations of school districts or universities initiated by HEW.

HEW must also investigate promptly complaints submitted by individuals or groups. Letters charging that discrimination has occurred may be sent to the Director, Office for Civil Rights, U.S. Department of HEW, 330 Independence Avenue, SW, Room 3256N, Washington, D.C. 20201 or to the Director of the Regional Office for Civil Rights responsible for enforcement in that state.

The Title IX procedures require educational institutions to keep records demonstrating whether they are complying with the law's requirements. Records must be available to HEW upon request.

Discrimination complaints must be filed with HEW within 180 days of the date of discrimination. Aside from this requirement, no specific time limits are set on any other proceedings. If after this investigation, HEW finds that discrimination exists, it must try to achieve voluntary compliance by the institution. Failing this, HEW may then begin administrative hearings which could lead to termination of federal financial assistance.

HEW can also refer the matter to the Department of Justice for possible federal prosecution or to state or local authorities for action under state or local laws. Under the provisions for administrative hearings, recipient institutions (but not the complainant) are granted the right to counsel and the right to appeal.

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\*The full text of these procedures appears at 45 CFR §§ 80.6 - 80.11 and 45 CFR Part 81.

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Each of the packets in this workshop contains two or three activities your group can do to gather and analyze information on sex-fairness in your schools. Your group may have time to do all the activities, or only some of them. Before you begin the packets, however, you will need to take the following steps.

- Step 1: Take a look at all the activities in the packets. Decide which activities your group will do.
- Step 2: Notice that much of the information required in the packets is available from your local school Superintendent's office. For your convenience in organizing, all these types of information are listed on page 18.
- After your group has decided which activities to do, check on page 18 all the information you need from the Superintendent.
- Step 3: Write a memo to the Superintendent based on the pattern on page 19, so that the Superintendent will have your requests in convenient form.
- Mail a copy of the memo to your local School Board President, so that the School Board knows what you are doing.
- Step 4: Arrange to visit the Superintendent to explain your group's purpose and to present your list of requested information.
- Step 5: During your visit with the Superintendent, get a definite date when you will be able to have the information. This will help you schedule your group meetings.
- Step 6: Arrange to see your local Title IX Coordinator (see contact list). Ask whether your school district has completed its self-evaluation, if there is one, for your own background information.
- Step 7: Inform the local Title IX Coordinator that your group is going to do a sex-fairness study of your school district. Explain that you are not trying to evaluate compliance with Title IX, but are trying to decide whether HB411 should be passed.

**INFORMATION AVAILABLE AT SUPERINTENDENT'S OFFICE**

Read workshop activities; then check below items of information your group will need.

- \_\_\_\_\_ Names of local school board members
- \_\_\_\_\_ Names and salaries of school district administrators
- \_\_\_\_\_ Names and salaries of school district employees
- \_\_\_\_\_ List of high school graduation requirements