



LAWS OF ALASKA

1981

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Chapter No.

17

AN ACT

Prohibiting sex discrimination in education in the state and implementing art. I, sec. 3 of the Alaska Constitution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 10

Approved by the Governor: June 1, 1981
Actual Effective Date: August 30, 1981

AN ACT

Prohibiting sex discrimination in education in the state
and implementing art. I, sec. 3 of the Alaska Constitution.

* Section 1. AS 14 is amended by adding a new chapter to read:

CHAPTER 18. PROHIBITION AGAINST DISCRIMINATION BASED ON
SEX IN PUBLIC EDUCATION IN ALASKA.

Sec. 14.18.010. LEGISLATIVE PURPOSE. Recognizing the benefit to
our state and nation of equal educational opportunities for all stu-
dents, and equal employment opportunity for public education employees,
discrimination on the basis of sex against an employee or a student in
public education in Alaska violates art. I, sec. 3 of the Alaska Con-
stitution and is prohibited. No person in Alaska may 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 or state financial assistance.

Sec. 14.18.020. DISCRIMINATION IN EMPLOYMENT PROHIBITED. The
board, the Board of Regents, and each school board in the state shall

(1) allow no difference in conditions of employment, includ-
ing but not limited to hiring practices, credential requirements,
leaves of absence, hours of employment, pay, employee benefits, and
assignment of instructional and noninstructional duties on the basis
of sex; and

(2) provide the same opportunities for advancement to males

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and females.

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

Sec. 14.18.040. DISCRIMINATION IN RECREATIONAL AND ATHLETIC ACTIVITIES PROHIBITED. (a) Equal opportunity for both sexes in athletics and in recreation shall be provided in a manner which is commensurate with the general interests of the members of each sex. Separate school-sponsored teams may be provided for each sex. A school which sponsors separate teams in a particular sport shall provide equipment and supplies, services, and opportunities, including use of courts, gymnasiums, and pools, to both teams with no disparities based on sex. A school which provides showers, toilets, or training-room facilities for athletic or recreational purposes shall provide comparable facilities for both sexes, either through the use of separate facilities or by scheduling separate use by each sex.

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

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

Sec. 14.18.050. DISCRIMINATION IN COURSE OFFERINGS PROHIBITED.

(a) Except as provided in (b) this section, all public education classes are available to all students without regard to sex, and curriculum requirements may not be differentiated on the basis of sex.

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

the purpose of the activity involves bodily contact.

Sec. 14.18.060. DISCRIMINATION IN TEXTBOOKS AND INSTRUCTIONAL MATERIALS PROHIBITED. (a) School boards shall have textbooks and instructional materials reviewed for evidence of sex bias in accordance with AS 14.08.111 and AS 14.14.090. School boards shall use educationally sound, unbiased texts and other instructional materials as they become available. Nothing in this section prohibits use of literary works.

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

(c) The Board of Regents shall establish and implement a policy under AS 14.40.170(b) for the guidance of officers and employees of the university on the selection of nondiscriminatory text books and educational materials.

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

Sec. 14.18.080. IMPLEMENTATION. (a) The board shall adopt regulations under the Administrative Procedure Act (AS 44.62) to implement this chapter.

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

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

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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 relating to unlawful discrimina-
23 tion based on sex.

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

25 (9) establish procedures for the review and selection of all
26 textbooks and instructional materials before they are introduced into
27 the school curriculum; the review includes a review for violations of
28 AS 14.18.060.

29 * 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 14.18.060.

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