

CS FOR SENATE BILL NO. 196(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/2/22
Referred: Rules

Sponsor(s): SENATORS REINBOLD, Costello

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to transparency and compelled speech in public education."**

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

3 * **Section 1.** AS 14.18.070 is amended to read:

4 **Sec. 14.18.070. Affirmative action.** The board shall establish procedures for
5 affirmative action programs covering both equal employment and equal educational
6 opportunity to be implemented by all school districts and regional educational
7 attendance areas determined by the board not to be in compliance with AS 14.18.010 -
8 14.18.110 [THIS CHAPTER].

9 * **Sec. 2.** AS 14.18.080(b) is amended to read:

10 (b) The Board of Regents shall adopt rules under AS 14.40.170(b)(1) to
11 implement AS 14.18.010 - 14.18.110 [THIS CHAPTER].

12 * **Sec. 3.** AS 14.18.100(b) is amended to read:

13 (b) A person aggrieved by a violation of AS 14.18.010 - 14.18.110 [THIS
14 CHAPTER] or of a regulation or procedure adopted under AS 14.18.010 - 14.18.110
15 [THIS CHAPTER] as to postsecondary education has an independent right of action in

1 superior court for civil damages and for such equitable relief as the court may
2 determine.

3 * **Sec. 4.** AS 14.18.110 is amended to read:

4 **Sec. 14.18.110. Effect [OF CHAPTER]. AS 14.18.010 - 14.18.110** [THIS
5 CHAPTER] is supplementary to and does not supersede existing laws relating to
6 unlawful discrimination based on sex or race.

7 * **Sec. 5.** AS 14.18 is amended by adding new sections to read:

8 **Article 2. Transparency and Compelled Speech in Public Education.**

9 **Sec. 14.18.150. Transparency.** (a) A public school, including a charter school
10 authorized under AS 14.03.250 - 14.03.290, shall display on the school's website in an
11 easily accessible location all

12 (1) training material used for teacher and other staff training on
13 nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, bias, or another
14 concept that includes one or more of those concepts;

15 (2) instructional or curricular material that primarily addresses
16 nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, bias, or another
17 concept that includes one or more of those concepts; and

18 (3) school procedures, including procedures used by the principal or
19 teachers, for documentation, review, or approval of training, instructional, or
20 curricular material used for teacher and other staff training or student instruction.

21 (b) A public school website display required by (a) of this section must
22 include, for all instructional material included in the display,

23 (1) the title and author of the material and any organization or website
24 associated with the material;

25 (2) a brief description of the material;

26 (3) a link to the material, if publicly available, or instructions for
27 requesting a copy of the material; and

28 (4) if a teacher created the material, the identity of the teacher.

29 (c) A public school shall regularly update the school's website display required
30 by (a) and (b) of this section and shall add new training, instructional, and curricular
31 material to the display before the first use of the material. The school shall retain

1 information about training, instructional, and curricular material for at least two years
2 after the completion of the course.

3 (d) This section does not require a school to digitally reproduce or post a copy
4 of instructional material if the reproduction or copying is prohibited by copyright.

5 **Sec. 14.18.160. Prohibiting compelled speech.** (a) Instruction in a public
6 school must be carried out in accordance with the following: a state agency, school
7 district's governing body, charter school, or public school

8 (1) may allow a teacher, administrator, or other employee to include in
9 a course or award course grading, credit, or extra credit for political activism, lobbying
10 or efforts to persuade members of the executive or legislative branch at the local, state,
11 or federal level to take specific action, or any practicum or similar activity involving
12 social or public policy advocacy, if the teacher, administrator, or other employee does
13 not direct or otherwise compel a student or a teacher, administrator, or other employee
14 to affirm, adopt, or adhere to a specific belief or concept;

15 (2) may not direct or otherwise compel a student or a teacher,
16 administrator, or other employee to affirm, adopt, or adhere to the belief or concept
17 that

18 (A) the United States or the state is fundamentally or
19 irredeemably racist or sexist;

20 (B) an individual, by virtue of sex, race, ethnicity, religion,
21 color, or national origin, is, consciously or unconsciously, inherently racist,
22 sexist, or oppressive;

23 (C) an individual, by virtue of sex, race, ethnicity, religion,
24 color, or national origin, is blameworthy for actions committed in the past by
25 other members of the same sex, race, ethnicity, religion, color, or national
26 origin;

27 (D) an individual's moral character is necessarily determined,
28 in whole or in part, by the individual's sex, race, ethnicity, religion, color, or
29 national origin;

30 (E) a sex, race, ethnicity, religion, color, or national origin is
31 inherently superior or inferior; or

1 (F) an individual should be adversely treated based on sex,
2 race, ethnicity, religion, color, or national origin;

3 (3) may not use public funds to contract with, hire, or otherwise
4 engage a speaker, consultant, diversity trainer, or other person to

5 (A) direct or otherwise compel a student or a teacher,
6 administrator, or other employee to affirm, adopt, or adhere to a belief or
7 concept described in (2) of this subsection; or

8 (B) advocate a concept described in (2) of this subsection
9 unless the state agency, school district's governing body, charter school, or
10 public school

11 (i) expressly clarifies that the state agency, school
12 district's governing body, charter school, or public school does not
13 sponsor, approve, or endorse the concept; and

14 (ii) provides students and teachers, administrators, and
15 other employees the opportunity to opt out of any speech, training, or
16 session;

17 (4) may not require a student or a teacher, administrator, or other
18 employee to attend or participate in a training, a seminar, continuing education, an
19 orientation, or therapy that promotes a concept described in (2) of this subsection.

20 (b) This section does not prohibit

21 (1) speech protected by the Constitution of the State of Alaska or the
22 Constitution of the United States;

23 (2) voluntary, uninduced, and uncoerced attendance or participation by
24 a student or a teacher, administrator, or other employee in a training, a seminar,
25 continuing education, an orientation, or therapy that promotes a concept described in
26 (a)(2) of this section;

27 (3) providing an individual, for research or independent study
28 purposes, access to sources that advocate a concept described in (a)(2) of this section;
29 or

30 (4) educational in-school discussion of, or assignment of material that
31 incorporates, the concepts described in (a)(2) of this section so long as the school

1 clarifies that the school does not sponsor, approve, or endorse the concepts or material.

2 (c) In this section,

3 (1) "school district" means a borough school district, a city school
4 district, a regional educational attendance area, a state boarding school, and the state
5 centralized correspondence study program;

6 (2) "state agency" means a department, office, agency, state board,
7 commission, public corporation, or other organizational unit of or created under the
8 executive branch of state government.

9 **Sec. 14.18.190. Definitions.** In AS 14.18.150 - 14.18.190, "public school"
10 does not include the University of Alaska or another postsecondary institution.