HOUSE BILL NO. 391

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/22/22
Referred: Education, State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

"An Act relating to public school curricula; relating to principles of individual freedom; relating to requirements regarding beliefs; relating to the ombudsman; relating to state and municipal assets; and providing for an effective date."

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

* Section 1. AS 14.03 is amended by adding a new section to read:

Sec. 14.03.098. Curricula and principles of individual freedom. (a) A school board shall ensure that a curriculum taught in the district is consistent with the principles of individual freedom identified in AS 14.18.065.

(b) In this section, "district" has the meaning given in AS 14.17.990.

* Sec. 2. AS 14.18 is amended by adding a new section to read:

Sec. 14.18.065. Principles of individual freedom. (a) The legislature finds that it is a fundamental truth that all individuals are equal before the law and possess inalienable rights. Accordingly, all instruction in public schools must be consistent with the following principles of individual freedom:
(1) an individual is not inherently racist, sexist, or oppressive, consciously or unconsciously, solely by virtue of the individual's race, color, sex, or national origin;

(2) an individual is not inherently superior or inferior by virtue of the individual's race, color, sex, or national origin;

(3) meritocracy is not racist and is fundamental to the right of an individual to pursue happiness and enjoyment of the rewards of the individual's own industry;

(4) an individual does not bear responsibility for actions committed by another person because of the individual's race, color, sex, or national origin;

(5) an individual should not be made to feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race, color, sex, or national origin.

(b) A public school or district may not direct or otherwise compel a student to personally affirm, adopt, or adhere to a belief that is inconsistent with the principles of individual freedom identified in (a) of this section. The prohibitions in (a) of this section do not prevent a person from discussing a belief listed in (a) of this section as part of a course of training or instruction if the training or instruction is presented in an objective manner that does not endorse the belief. Public school instruction may facilitate discussion and address sexism, slavery, racial segregation, and racial discrimination, including discussion of the enactment and enforcement of laws resulting in sexism, racial segregation, and racial discrimination.

(c) On or before September 30 of each year, the department shall determine whether instruction in a district violates this section. If the department determines that instruction in a district violates this section, the amount of funding that the district is eligible for under AS 14.17.410 shall be reduced by five percent.

(d) On or before November 1 of each year, the department shall submit to the chair of the committee of each house with primary jurisdiction over education a report that identifies, for the preceding school year, each district that instructed students in violation of this section, each district that received reduced funding under (c) of this section, and each district that had state funds withheld under AS 14.18.090(b).
(e) In this section,

(1) "district" has the meaning given in AS 14.17.990;

(2) "public school" has the meaning given in AS 44.99.040(b).

* Sec. 3. AS 14.18.090(b) is amended to read:

(b) After a finding by the board that a district or regional educational attendance area has not complied with AS 14.18.020 - 14.18.060, and that the measures taken under (a) of this section have been ineffective, the board shall withhold state funds in accordance with AS 14.07.070.

* Sec. 4. AS 18.80 is amended by adding a new section to read:

Sec. 18.80.258. Unlawful requirements regarding beliefs. (a) A person may not subject an individual, as a condition of employment, certification, licensing, credentialing, or examination passage, to training, instruction, or another required activity that espouses, promotes, advances, inculcates, or encourages the individual to affirm, believe, or not oppose any of the following beliefs:

(1) an individual, by virtue of the individual's race, color, sex, or national origin, is superior to members of another race, color, sex, or national origin;

(2) an individual, by virtue of the individual's race, color, sex, or national origin, is more or less racist, sexist, or oppressive than another individual, whether consciously or unconsciously;

(3) an individual's moral character or status as privileged or oppressed is determined, partially or entirely, by the individual's race, color, sex, or national origin;

(4) members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin;

(5) an individual, by virtue of the individual's race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, an action committed by another person;

(6) an individual, by virtue of the individual's race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;

(7) an individual should feel discomfort, guilt, anguish, or another
form of psychological distress because of the individual's race, color, sex, or national origin;

(8) merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are sexist, racist, or determined by an individual's race, color, sex, or national origin.

(b) The prohibitions in (a) of this section do not prevent a person from discussing a belief listed in (a) of this section as part of a course of training or instruction if the training or instruction is presented in an objective manner that does not endorse the belief.

* Sec. 5. AS 24.55.320 is amended to read:

Sec. 24.55.320. Municipalities and school districts. A municipality or school district may elect to become subject to the general jurisdiction of the ombudsman appointed under this chapter. If a municipality or school district so elects, it shall notify the ombudsman of that election and shall thereafter be considered an agency for the purposes of this chapter. If a municipality or school district subjects itself to the general jurisdiction of the ombudsman, the municipality or school district shall pay its pro rata share of the cost of the operation of the office of the ombudsman based on the number of complaints or the case load emanating from that municipality or school district, as prescribed by the ombudsman. If a municipality or school district elects to remove itself from the general jurisdiction of the ombudsman, it shall notify the ombudsman of that election and shall not thereafter be considered an agency for the purposes of this chapter. A municipality that elects to become subject to the general jurisdiction of the ombudsman or to remove itself from that jurisdiction must do so by ordinance. A school district that elects to become subject to the general jurisdiction of the ombudsman or to remove itself from that jurisdiction must do so by resolution.

* Sec. 6. AS 24.55.320 is amended by adding a new subsection to read:

(b) Regardless of an election under (a) of this section, a municipality, school district, or regional educational attendance area is subject to the jurisdiction of the ombudsman appointed under this chapter to investigate alleged violations of AS 14.03.098, AS 14.18.065, AS 18.80.258, and AS 44.99.040(c).

* Sec. 7. AS 24.55 is amended by adding a new section to read:
Sec. 24.55.325. Unlawful requirements regarding beliefs hotline. (a) The ombudsman shall provide a hotline to receive complaints relating to unlawful requirements regarding beliefs under AS 14.03.098, AS 14.18.065, AS 18.80.258, and AS 44.99.040(c).

(b) The ombudsman shall, not later than the first day of each regular session of the legislature, provide a report to the president of the senate and the speaker of the house of representatives describing complaints received by way of the unlawful requirements regarding beliefs hotline.

* Sec. 8. AS 24.55.330(2) is amended to read:

(2) "agency" includes a department, office, institution, corporation, authority, organization, commission, committee, council, or board of a municipality, school district, or regional educational attendance area or in the executive, legislative, or judicial branches of the state government, and a department, office, institution, corporation, authority, organization, commission, committee, council, or board of a municipality, school district, or regional educational attendance area or of the state government independent of the executive, legislative, and judicial branches; it also includes an officer, employee, or member of an "agency" acting or purporting to act in the exercise of official duties, but does not include the governor, the lieutenant governor, a member of the legislature, the victims' advocate, the staff of the office of victims' rights, a justice of the supreme court, a judge of the court of appeals, a superior court judge, a district court judge, a magistrate, a member of a city council or borough assembly, an elected city or borough mayor, or a member of an elected school board;

* Sec. 9. AS 44.99.040(b) is amended by adding a new paragraph to read:

(3) "public school" means a school with grade levels pre-elementary through 12, or any combination of grades within this range, that is supported by public funds.

* Sec. 10. AS 44.99.040 is amended by adding new subsections to read:

(c) A state or municipal agency may not use or authorize the use of an asset to promote any of the following beliefs:

(1) an individual, by virtue of the individual's race, color, sex, or
national origin, is superior to members of another race, color, sex, or national origin;
(2) an individual, by virtue of the individual's race, color, sex, or national origin, is more or less racist, sexist, or oppressive than another individual, whether consciously or unconsciously;
(3) an individual's moral character or status as privileged or oppressed is determined, partially or entirely, by the individual's race, color, sex, or national origin;
(4) members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin;
(5) an individual, by virtue of the individual's race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, an action committed by another person;
(6) an individual, by virtue of the individual's race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;
(7) an individual should feel discomfort, guilt, anguish, or another form of psychological distress because of the individual's race, color, sex, or national origin;
(8) merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are sexist, racist, or determined by an individual's race, color, sex, or national origin.
(d) A state or municipal agency may not use or authorize the use of an asset to encourage, reward, or penalize a public school student for affirming, or failing to affirm a belief that is inconsistent with, the following principles:
(1) an individual is not inherently racist, sexist, or oppressive, consciously or unconsciously, solely by virtue of the individual's race, color, sex, or national origin;
(2) an individual is not inherently superior or inferior by virtue of the individual's race, color, sex, or national origin;
(3) meritocracy is not racist and is fundamental to the right of an individual to pursue happiness and enjoyment of the rewards of the individual's own
industry;

(4) an individual does not bear responsibility for actions committed by another person because of the individual's race, color, sex, or national origin;

(5) an individual should not be made to feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race, color, sex, or national origin.

(e) The prohibitions in (c) and (d) of this section do not prevent a person from discussing a belief listed in (a) of this section as part of a course of training or instruction if the training or instruction is presented in an objective manner that does not endorse the belief.

* Sec. 11. AS 14.18.070 is repealed.

* Sec. 12. Section 1 of this Act takes effect July 1, 2023.