

CS FOR SENATE BILL NO. 140(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE EDUCATION COMMITTEE

Offered: 4/8/22

Referred: Rules

Sponsor(s): SENATORS HUGHES, Reinbold, Shower

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to school athletics, recreation, athletic teams, and sports."**

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

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that

6 (1) maintaining fairness in athletic opportunities for women is an important
7 state interest;

8 (2) requiring the designation of separate sex-specific athletic teams or sports is
9 necessary to maintain fairness in athletic opportunities for women;

10 (3) significant biological and physiological differences between males and
11 females, including greater strength, speed, and endurance capabilities among males on
12 average, provide a competitive advantage to male athletes in sports; and

13 (4) having separate sex-specific teams furthers efforts to promote sex equality
14 and that discrimination against women and girls in sports is counter to that effort.

15 (b) It is the intent of the legislature to preserve an even playing field in school athletic

1 programs, to maintain opportunities for female athletes to demonstrate their strength, skills,
 2 and athletic abilities, and to provide female athletes with opportunities to obtain recognition
 3 and accolades, college scholarships, and the numerous other long-term benefits that result
 4 from participating and competing in athletic endeavors.

5 * **Sec. 2.** AS 14.18.040 is amended by adding a new subsection to read:

6 (d) In this section, "sex" means biological sex.

7 * **Sec. 3.** AS 14.18 is amended by adding new sections to read:

8 **Article 2. Designation of Athletic Teams and Sports.**

9 **Sec. 14.18.150. Athletic team and sport designation.** (a) A public school, or
 10 a private school whose students or teams compete against a public school, must
 11 designate each school-sponsored athletic team or sport a

12 (1) male, men, or boys team or sport;

13 (2) female, women, or girls team or sport; or

14 (3) coeducational or mixed team or sport.

15 (b) A student who participates in an athletic team or sport designated female,
 16 women, or girls must be female, based on the participant's biological sex as either
 17 female or male, as designated at the participant's birth. The biological sex listed on a
 18 participant's birth certificate may be relied on to establish the participant's biological
 19 sex designated at the participant's birth if the sex designated on the birth certificate
 20 was designated at or near the time of the participant's birth.

21 **Sec. 14.18.160. Compliance protected.** (a) A governmental entity, licensing
 22 or accrediting organization, athletic association, or school district may not take
 23 adverse action against a school or school district for complying with AS 14.18.150.

24 (b) A school or a school district may decline to consider a complaint brought
 25 against the school or school district for complying with AS 14.18.150.

26 **Sec. 14.18.170. Liability.** (a) A student who is deprived of an athletic
 27 opportunity or suffers direct or indirect harm resulting from a violation of
 28 AS 14.18.150 may bring a private cause of action against the violating school.

29 (b) A student subjected to retaliation or other adverse action as a result of
 30 reporting a violation of AS 14.18.150 to an employee or representative of a school,
 31 school district, or athletic association or organization, or to a state or federal

1 government entity with oversight authority, may bring a private cause of action against
2 the retaliating entity.

3 (c) If a school or school district suffers direct or indirect harm as a result of a
4 violation of AS 14.18.150, the school or school district may bring a private cause of
5 action against the violating entity.

6 (d) An action brought under this section must be commenced within two years
7 of the event giving rise to the complaint.

8 **Sec. 14.18.180. Access to courts; relationship to rights under federal law.**

9 (a) Nothing in AS 14.18.150 - 14.18.190 abrogates, restricts, or otherwise limits

10 (1) the access of any person to a state or federal court; or

11 (2) a person's right to bring in state or federal court a complaint or
12 cause of action arising out of AS 14.18.150 - 14.18.190.

13 (b) AS 14.18.150 - 14.18.190 may not be construed to modify a person's rights
14 under 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), 29 U.S.C.
15 794, or 42 U.S.C. 12101 - 12213.

16 **Sec. 14.18.190. Definitions.** In AS 14.18.150 - 14.18.190,

17 (1) "school" means an elementary, junior high, secondary, or
18 postsecondary school;

19 (2) "school district" means a borough school district, a city school
20 district, a regional educational attendance area, a state boarding school, and the state
21 centralized correspondence study program.