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

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

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

* Section 1. AS 14.18.070 is amended to read:

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 AS 14.18.010 - 14.18.110 [THIS CHAPTER].

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

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

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

(b) A person aggrieved by a violation of AS 14.18.010 - 14.18.110 [THIS CHAPTER] or of a regulation or procedure adopted under AS 14.18.010 - 14.18.110 [THIS CHAPTER] as to postsecondary education has an independent right of action in
superior court for civil damages and for such equitable relief as the court may
determine.

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

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

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

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

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

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

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

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

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

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

(2) a brief description of the material;

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

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

(c) A public school shall regularly update the school's website display required
by (a) and (b) of this section and shall add new training, instructional, and curricular
material to the display before the first use of the material. The school shall retain
information about training, instructional, and curricular material for at least two years after the completion of the course.

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

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

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

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

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

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

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

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

(E) a sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior; or
an individual should be adversely treated based on sex, race, ethnicity, religion, color, or national origin; (3) may not use public funds to contract with, hire, or otherwise engage a speaker, consultant, diversity trainer, or other person to

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

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

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

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

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

(b) This section does not prohibit

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

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

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

(4) educational in-school discussion of, or assignment of material that incorporates, the concepts described in (a)(2) of this section so long as the school
clarifies that the school does not sponsor, approve, or endorse the concepts or material.

(c) In this section,

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

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

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