

**To: Members of the State Board of
Education & Early Development**

June 8, 2023

From: Heidi Teshner, Acting Commissioner

Agenda Item: 6B

◆ **ISSUE**

The board is being asked to open a period of public comment on a regulation related to interscholastic activities.

◆ **BACKGROUND**

- On March 16, 2023, the Board passed a resolution titled “Resolution to Preserve Opportunity for Student Athletes While Balancing Competitive Fairness, Inclusion, and Safety for All Who Compete.”
- The resolution states that the Board “supports the passage of regulations proposed by the Alaska Department of Education and Early Development” and that the regulations should provide a girls’ division with participation based on a student’s sex at birth; a division for students who identify with either sex or gender; and provide a process for appeal for all students.
- The proposed regulations amend 4 AAC 06.115 to provide that a school or school district may join the Alaska School Activities Association, Inc. (ASAA), or a similar association, as long as it administers interscholastic activities in a manner that ensures fairness and safety in competition by providing a girls’ divisions with participation based on a student’s sex at birth; providing a division for students who identify with either sex or gender; and providing a process for appeal for all students.
- The proposed regulation is pending Department of Law review and approval.
- The proposed regulation can be found behind this cover memo.
- Heidi Teshner, Acting Commissioner, and Susan Sonneborn, Assistant Attorney General, will be present to brief the board.

◆ **OPTIONS**

This is a work session item. Action will take place under Agenda Item 13B.

Register ____, _____ 2023 EDUCATION AND EARLY DEV.

4 AAC 06.115(b)(5) is amended by adding a new subparagraph to read:

(D) ensures fairness, safety, and equal opportunity in athletics by providing, in consideration of responses to a school survey under 4 AAC 06.520,

(i) a separate team for each sex with participation based on a student's sex assigned at birth; or

(ii) a team for students of either sex regardless of sex assigned at birth.

(Eff. 6/26/94, Register 130; am 8/2/97, Register 143; am 5/4/2000, Register 154; am __/__/____,

Register __)

Authority: AS 14.03.015 AS 14.07.060 **AS 14.18.040**

AS 14.07.020

To: **Members of the State Board of
Education & Early Development**

June 8, 2023

From: Heidi Teshner, Acting Commissioner

Agenda Item: 13B

◆ **ISSUE**

The board is being asked to open a period of public comment on a regulation related to interscholastic activities.

◆ **BACKGROUND**

- On March 16, 2023, the Board passed a resolution titled “Resolution to Preserve Opportunity for Student Athletes While Balancing Competitive Fairness, Inclusion, and Safety for All Who Compete.”
- The resolution states that the Board “supports the passage of regulations proposed by the Alaska Department of Education and Early Development” and that the regulations should provide a girls’ division with participation based on a student’s sex at birth; a division for students who identify with either sex or gender; and provide a process for appeal for all students.
- The proposed regulations amend 4 AAC 06.115 to provide that a school or school district may join the Alaska School Activities Association, Inc. (ASAA), or a similar association, as long as it administers interscholastic activities in a manner that ensures fairness and safety in competition by providing a girls’ divisions with participation based on a student’s sex at birth; providing a division for students who identify with either sex or gender; and providing a process for appeal for all students.
- The proposed regulation is pending Department of Law review and approval.
- The proposed regulation can be found behind Agenda Item 6B.
- Heidi Teshner, Acting Commissioner, and Susan Sonneborn, Assistant Attorney General, will be present to brief the board.

◆ **OPTIONS**

Open a period of public comment on the proposed regulation.

Amend the proposed regulation and open a period of public comment.

Seek more information.

◆ **ADMINISTRATION’S RECOMMENDATION**

Open a period of public comment on the proposed regulation changes.

◆ **SUGGESTED MOTION**

I move the State Board of Education and Early Development open a period of public comment on the amendment of 4 AAC 06.115 (Interscholastic activities), pending Department of Law review and approval.