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TO: High School Principals
Athletic/Activities Directors
Superintendents
School Board Presidents

FROM: Billy Strickland
Executive Director

DATE: August 31, 2023

RE: Proposed Bylaw/Policy Amendments—Article 7 Section 1 and Section 11

The Alaska School Activities Association (ASAA) Board of Directors proposes to amend Association bylaws at its meeting on October 9-10, 2023. Preceding the amendment is a short explanation of the proposal.

In amending the Bylaws, the Board of Directors will be using the following procedure:

Article 18, Bylaw Amendment, Section 1, Method, states:

“These Bylaws may be amended by a simple majority vote of the Board of Directors sitting in regular session provided that at least 30 days advance notice has been mailed to the general membership.”

Section 2, Effective Date, states:

“Unless otherwise specified, amendments to these Bylaws take effect 30 days after their filing.”

Please review these proposed changes and if you wish, provide written comment by letter or email billy@asaa.org, to the ASAA office prior to the meeting.

Explanation

A recent change to 4 AAC 06.115 by the Department of Education and Early Development to requires ASAA to change its policy relating to divisions based on gender. The proposed amendment would meet the new regulatory requirement if approved by the Department of Law.

Amendments

ARTICLE 7 - SANCTIONED ACTIVITIES

Section 1 - Compliance with Title IX

A. The Association will comply with the provisions of Title IX of the Education Amendments of 1972, Alaska Statue Chapter 18.80, and all amendments there to. No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any activities regulated by the Association.

B. Separate Teams, ~~(delete) Gender Determination~~ and Contact Sports: Separate teams for each sex are permissible in contact sports or where selection for teams is based on competitive skill. **(Add) If a separate high school athletics team is established for female students, participation shall be limited to females who were assigned female at birth. (Delete)The Association will rely on a gender determination made by the student's member school where the determination is based upon prior written and objective criteria adopted by the school; ASAA will not make separate gender identity determinations. However, once a member school determines a student may participate in an interscholastic activity, which does not match the gender assigned at birth, the determination shall remain in effect for the duration of the student's high school eligibility. A student attending a member school which does not have a prior written objective policy used to determine gender identity may only participate based upon the gender assigned at birth.** Contact sports include wrestling, ice hockey, football, basketball, and any other sport “the purpose or major activity of which involves bodily contact.”

C. Sports Divisions

Single-**(add) Division (delete) Team** Sports: Whenever a school has a team in a given sport for one sex only, and athletic opportunities for the other sex have been limited, members of both sexes must be allowed to try out for the team.

(add) Double Division Sports: Whenever a school has separate divisions based on sex, one team shall be limited to females who were assigned female at birth. The other team shall open to both females and males. However, a female is ineligible to compete on both teams during the same school year.

(add) Coed Teams: Prior to the first contest of the season for a specific sport, a school may declare a team as a coed team. If a school chooses to have a coed team, then it may not have a separate team in that sport. Any school declaring a coed team may not compete in any district, regional or state competition in the division limited to females who were assigned female at birth. An exception to the playoff rule is made for mixed-six volleyball when a separate playoff category is provided by the Board of Directors.

D. Equal Opportunity: A school must provide equal athletic opportunity for both sexes in numbers that are “substantially proportionate” to enrollment. In determining whether athletic

opportunities are equal, the United States Department of Health, Education and Welfare (HEW) will consider whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes. HEW will also consider (among other factors): locker rooms, practice and competitive facilities, medical and training facilities and services, equipment, supplies, game and practice schedules, travel, per diem allowances, coaching (including assignment and compensation of coaches), academic tutoring, housing, dining facilities, publicity and support services. Equal expenditures are not required, but HEW “may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.”

Section 11- (Delete) ~~Girls and Boys~~, Joint Participation and Cooperative School Programs.

~~(Delete) A. Coed Teams: Prior to the first contest of the season for a specific sport, a school may declare a team as a coed team. If a school chooses to have a coed team, then it may not have a separate girl or separate boys team in that sport. Any school declaring a coed team may compete in any district, regional or state competition in the boys’ playoffs. An exception to the playoff rule is made for mixed six volleyball when a separate playoff category is provided by the Board of Directors.~~

The revised bylaw would read:

ARTICLE 7 - SANCTIONED ACTIVITIES

Section 1 - Compliance with Title IX

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B. Separate Teams and Contact Sports: Separate teams for each sex are permissible in contact sports or where selection for teams is based on competitive skill. **If a separate high school athletics team is established for female students, participation shall be limited to females who were assigned female at birth.** Contact sports include wrestling, ice hockey, football, basketball, and any other sport “the purpose or major activity of which involves bodily contact.”

C. Sports Divisions

Single **Division** Sports: Whenever a school has a team in a given sport for one sex only, and athletic opportunities for the other sex have been limited, members of both sexes must be allowed to try out for the team.

Double Division Sports: Whenever a school has separate divisions based on sex, one team shall be limited to females who were assigned female at birth. The other team shall not be limited to either sex. However, a female is ineligible to compete on both teams during the same school year.

Coed Teams: Prior to the first contest of the season for a specific sport, a school may declare a team as a coed team. If a school chooses to have a coed team, then it may not have a separate team in that sport. Any school declaring a coed team may not compete in any district, regional or state competition in the division limited to females who were assigned female at birth. An exception to the playoff rule is made for mixed-six volleyball when a separate playoff category is provided by the Board of Directors.

D. Equal Opportunity: A school must provide equal athletic opportunity for both sexes in numbers that are “substantially proportionate” to enrollment. In determining whether athletic opportunities are equal, the United States Department of Health, Education and Welfare (HEW) will consider whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes. HEW will also consider (among other factors): locker rooms, practice and competitive facilities, medical and training facilities and services, equipment, supplies, game and practice schedules, travel, per diem allowances, coaching (including assignment and compensation of coaches), academic tutoring, housing, dining facilities, publicity and support services. Equal expenditures are not required, but HEW “may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.”

Section 11- Joint Participation and Cooperative School Programs.