

**State Board of Education & Early Development**  
**Unapproved Minutes**  
**August 31, 2023**  
**Virtual Platform Meeting**  
**Department of Education and Early Development**  
**333 Willoughby Avenue**  
**Juneau, AK 99801**

**Thursday, August 31, 2023**

Chair Fields called the meeting to order at 1:01 p.m. on August 31, 2023. Roll was called and the following members were present to provide quorum: Members Jeff Erickson, Bob Griffin, Pamela Dupras, Barbara Tyndal, Lt. Col. James Fowley, Student Advisor Felix Myers, Second Vice Chair Sally Stockhausen, and First Vice Chair Lorri Van Diest.

After the pledge of allegiance, Member Van Diest moved to adopt the agenda and Member Griffin seconded the motion. There was no discussion and the motion passed unanimously in a roll call vote. There were no potential conflicts of interest identified by board members.

**Agenda Item #1 – Regulations for Consideration for Adoption: Interscholastic Activities**

Commissioner Dr. Deena Bishop introduced the Interscholastic Activities regulation to limit participation in separate high school athletics teams for female students in competitive or contact sports to females who were assigned female at birth.

First Vice Chair Van Diest made a prepared statement in support of the regulation. She reiterated that the board's decision would need to balance competitiveness, inclusion, and safety. First Vice Chair Van Diest referenced multiple studies on biological differences and changes during hormone therapy. She also referenced examples of transgender athletes and comments pertaining to public opinion.

Member Griffin made a comment in support of the regulation. He encouraged all students to continue to pursue athletic and team opportunities. He thanked the over 1,300 people who provided public comment during the board's discussions on this regulation.

Student Advisor Myers asked how the Alaska School Activities Association (ASAA) currently handles transgender athletes. ASAA Executive Director Billy Strickland responded that students participate in activities that match their gender assigned at birth unless a school district has a written objective policy. It is the only rule that ASAA currently leaves up to each district.

Student Advisor Myers proceeded with comments in opposition to the regulation. He said that trans girls are not men and not as insidious as the board has portrayed. While he agrees that men should not compete in girls' sports, trans girls are not men. He reiterated that this issue is not present in Alaska currently, and the board would be better using their time and money to support girls' sports. For example, they could prioritize training coaches and adults to recognize eating disorders and making sure girls' sports have the necessary equipment and jerseys to compete.

Member Erickson thanked Student Advisor Myers for his preparedness. He mentioned that each school should not necessarily be able to make individual decisions, and there is a reason ASAA exists. He asked if ASAA can step in if a student who shows considerable advantage has been approved by their specific

school. Executive Director Strickland responded that it is a hypothetical because it hasn't happened yet, but the only thing ASAA could do is make sure that school has, and is following, a written objective policy.

Member Erickson spoke in support of the regulation. He respected Student Advisor Myers comments about students being mean and said that he believes allowing trans girls to play on girls' sports is not better or safer for them because, yes, students and parents can be mean.

Second Vice Chair Stockhausen asked how ASAA would determine gender assigned at birth. Executive Director Strickland responded that it would be similar to their age rule; if there are doubts, they check the birth certificate used to enroll the student.

Second Vice Chair Stockhausen mentions the countless benefits of extracurricular activities. She asks if ASAA would consider a third open league so that all students can participate. Executive Director Strickland agreed that every student should have the opportunity to participate; however, at the larger schools, cuts happen in the older grades. He said he envisions a girl's league and an open league.

Second Vice Chair Stockhausen wants to be preventative; she wants to create an open league before injury incidents or before specific trans girls feel personally called out.

Commissioner Bishop added that, in regard to determining gender assigned at birth and the concerns of a physical examination, birth certificates are required to enroll in Alaskan schools.

Chair Fields made prepared comments in support of the regulation. He supports consistency with ASAA, separation for safety against injury, equal opportunity, and protection of privacy. He is supportive of the board using their authority to pass this regulation. The regulation allows for intersex students to participate and is in line with federal guidelines.

Member Dupras and Member Tyndall made comments in support of the regulation.

Member Erickson asked if a person legally changes their gender on their birth certificate, is there a note on the birth certificate. Department of Law Assistant Attorney General Susan Sonneborn responded that she doesn't believe there is a note on the birth certificate but does not know fully and will look into it. Chair Fields added that each state has their own changes for birth certificates. Student Advisor Myers, Commissioner Bishop, and Executive Director Billy Strickland also added to the conversation about birth certificates.

First Vice Chair Van Diest provided examples of high school trans girls displacing girls assigned female at birth in high school athletics.

Member Griffin made comments about the rare statistics of intersex people.

### **Agenda Item #2 – Regulations for Consideration for Adoption: Interscholastic Activities**

First Chair Van Diest motioned and Member Griffin seconded the following motion: I move the State Board of Education and Early Development adopt the proposed regulation change to 4 AAC 06.115 (Interscholastic activities), pending Department of Law review and approval. There was no discussion. All voting members voted yes. Student Advisor Myers voted no and Military Advisor Lt. Col. Fowley abstained.

First Chair Van Diest motioned and Member Griffin seconded a motion that the board approve a decisional document based on the discussion and decision regarding the Interscholastic Activities regulation. Assistant Attorney General Sonneborn described the board's reasoning for a decisional document, that it is not required but is occasionally done when there is a high amount of public participation. Motion passed unanimously in a roll call vote.

The meeting adjourned at 2:26 p.m.