

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

**June 8, 2023**

**From: Heidi Teshner, Acting Commissioner**

**Agenda Item: 1**

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**◆ ISSUE**

The board will consider going into an executive session to obtain legal advice regarding proposed regulation project amending 4 AAC 06.115.

**◆ BACKGROUND**

- 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.
- Under AS 44.62.310(c)(3) of the Open Meetings Act, the following subject may be considered in an executive session: matters, which by law, municipal charter, or ordinance are required to be confidential.
- Under the AS 44.62.310(b) of Open Meetings Act, the question of holding an executive session for the consideration of the subjects listed in AS 44.62.310(c) shall be determined by a majority vote of the board.

**◆ SUGGESTED MOTION**

I move the State Board of Education and Early Development convene in executive session to obtain legal advice regarding proposed regulation project amending 4 AAC 06.115. Under the Open Meetings Act, AS 44.62.310(c)(3), attorney-client advice is a matter which by law is required to be confidential.