
SENATE BILL 6086

State of Washington

62nd Legislature

2012 Regular Session

By Senators Swecker, Ericksen, and Hill

Read first time 01/11/12. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to single-sex classes; and amending RCW
2 28A.640.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to
5 read as follows:

6 (1) The superintendent of public instruction shall develop
7 ~~((regulations))~~ rules and guidelines to eliminate sex discrimination as
8 it applies to public school employment, counseling and guidance
9 services to students, recreational and athletic activities for
10 students, access to course offerings, and in textbooks and
11 instructional materials used by students.

12 ~~((+a))~~ (2) Specifically with respect to public school employment,
13 all schools shall be required to:

14 ~~((+i))~~ (a) Maintain credential requirements for all personnel
15 without regard to sex;

16 ~~((+ii))~~ (b) Make no differentiation in pay scale on the basis of
17 sex;

18 ~~((+iii))~~ (c) Assign school duties without regard to sex except

1 where such assignment would involve duty in areas or situations, such
2 as but not limited to a shower room, where persons might be disrobed;
3 ~~((iv))~~ (d) Provide the same opportunities for advancement to
4 males and females; and
5 ~~((v))~~ (e) Make no difference in conditions of employment
6 including, but not limited to, hiring practices, leaves of absence,
7 hours of employment, and assignment of, or pay for, instructional and
8 noninstructional duties, on the basis of sex.
9 ~~((b))~~ (3) Specifically with respect to counseling and guidance
10 services for students, they shall be made available to all students
11 equally. All certificated personnel shall be required to stress access
12 to all career and vocational opportunities to students without regard
13 to sex.
14 ~~((e))~~ (4)(a) Specifically with respect to recreational and
15 athletic activities, they shall be offered to all students without
16 regard to sex. Schools may provide separate teams for each sex.
17 Schools which provide the following shall do so with no disparities
18 based on sex: Equipment and supplies; medical care; services and
19 insurance; transportation and per diem allowances; opportunities to
20 receive coaching and instruction; laundry services; assignment of game
21 officials; opportunities for competition, publicity and awards;
22 scheduling of games and practice times including use of courts, gyms,
23 and pools: PROVIDED, That such scheduling of games and practice times
24 shall be determined by local administrative authorities after
25 consideration of the public and student interest in attending and
26 participating in various recreational and athletic activities. Each
27 school which provides showers, toilets, or training room facilities for
28 athletic purposes shall provide comparable facilities for both sexes.
29 Such facilities may be provided either as separate facilities or shall
30 be scheduled and used separately by each sex.
31 (b) The superintendent of public instruction shall also be required
32 to develop a student survey to distribute every three years to each
33 local school district in the state to determine student interest for
34 male/female participation in specific sports.
35 ~~((d))~~ (5) Specifically with respect to course offerings, all
36 classes shall be required to be available to all students without
37 regard to sex: PROVIDED, That separation is permitted within any class

1 during sessions on sex education ((~~or~~)), gym classes, or as provided in
2 subsection (6) of this section.

3 ((~~e~~)) (6)(a) A single-sex class may be provided if:

4 (i) The single-sex class is substantially related to the school's
5 objective of improving the educational achievement of its students; or

6 (ii) The single-sex class is substantially related to meeting the
7 educational needs of its students; and

8 (iii) Student enrollment in a single-sex class is completely
9 voluntary.

10 (b) A school that provides a single-sex class must provide a
11 substantially equal single-sex class for students of the excluded sex.

12 (c) The school must conduct periodic evaluations at least every two
13 years to ensure that single-sex classes are substantially related to
14 the achievement of the important objective for the classes.

15 (7) Specifically with respect to textbooks and instructional
16 materials, which shall also include, but not be limited to, reference
17 books and audio-visual materials, they shall be required to adhere to
18 the guidelines developed by the superintendent of public instruction to
19 implement the intent of this chapter: PROVIDED, That this subsection
20 shall not be construed to prohibit the introduction of material deemed
21 appropriate by the instructor for educational purposes.

22 ((~~2~~)) (8)(a) By December 31, 1994, the superintendent of public
23 instruction shall develop criteria for use by school districts in
24 developing sexual harassment policies as required under (b) of this
25 subsection. The criteria shall address the subjects of grievance
26 procedures, remedies to victims of sexual harassment, disciplinary
27 actions against violators of the policy, and other subjects at the
28 discretion of the superintendent of public instruction. Disciplinary
29 actions must conform with collective bargaining agreements and state
30 and federal laws. The superintendent of public instruction also shall
31 supply sample policies to school districts upon request.

32 (b) By June 30, 1995, every school district shall adopt and
33 implement a written policy concerning sexual harassment. The policy
34 shall apply to all school district employees, volunteers, parents, and
35 students, including, but not limited to, conduct between students.

36 (c) School district policies on sexual harassment shall be reviewed
37 by the superintendent of public instruction considering the criteria

1 established under (a) of this subsection as part of the monitoring
2 process established in RCW 28A.640.030.

3 (d) The school district's sexual harassment policy shall be
4 conspicuously posted throughout each school building, and provided to
5 each employee. A copy of the policy shall appear in any publication of
6 the school or school district setting forth the rules, regulations,
7 procedures, and standards of conduct for the school or school district.

8 (e) Each school shall develop a process for discussing the
9 district's sexual harassment policy. The process shall ensure the
10 discussion addresses the definition of sexual harassment and issues
11 covered in the sexual harassment policy.

12 ~~((f))~~ (9) "Sexual harassment" as used in this section means
13 unwelcome sexual advances, requests for sexual favors, sexually
14 motivated physical contact, or other verbal or physical conduct or
15 communication of a sexual nature if:

16 ~~((i))~~ (a) Submission to that conduct or communication is made a
17 term or condition, either explicitly or implicitly, of obtaining an
18 education or employment;

19 ~~((ii))~~ (b) Submission to or rejection of that conduct or
20 communication by an individual is used as a factor in decisions
21 affecting that individual's education or employment; or

22 ~~((iii))~~ (c) That conduct or communication has the purpose or
23 effect of substantially interfering with an individual's educational or
24 work performance, or of creating an intimidating, hostile, or offensive
25 educational or work environment.

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