

2 **SHB 2153** - S COMM AMD (S5629.1)
3 By Committee on Education

4 ADOPTED AS AMENDED 3/3/94

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 28A.640.020 and 1975 1st ex.s. c 226 s 2 are each
8 amended to read as follows:

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

15 ~~((1))~~ (a) Specifically with respect to public school employment,
16 all schools shall be required to:

17 ~~((a))~~ (i) Maintain credential requirements for all personnel
18 without regard to sex;

19 ~~((b))~~ (ii) Make no differentiation in pay scale on the basis of
20 sex;

21 ~~((c))~~ (iii) Assign school duties without regard to sex except
22 where such assignment would involve duty in areas or situations, such
23 as but not limited to a shower room, where persons might be
24 disrobed~~((r))~~;

25 ~~((d))~~ (iv) Provide the same opportunities for advancement to
26 males and females; and

27 ~~((e))~~ (v) Make no difference in conditions of employment
28 including, but not limited to, hiring practices, leaves of absence,
29 hours of employment, and assignment of, or pay for, instructional and
30 noninstructional duties, on the basis of sex.

31 ~~((2))~~ (b) Specifically with respect to counseling and guidance
32 services for students, they shall be made available to all students
33 equally. All certificated personnel shall be required to stress access
34 to all career and vocational opportunities to students without regard
35 to sex.

1 (~~(3)~~) (c) Specifically with respect to recreational and athletic
2 activities, they shall be offered to all students without regard to
3 sex. Schools may provide separate teams for each sex. Schools which
4 provide the following shall do so with no disparities based on sex:
5 Equipment and supplies; medical care; services and insurance;
6 transportation and per diem allowances; opportunities to receive
7 coaching and instruction; laundry services; assignment of game
8 officials; opportunities for competition, publicity and awards;
9 scheduling of games and practice times including use of courts, gyms,
10 and pools: PROVIDED, That such scheduling of games and practice times
11 shall be determined by local administrative authorities after
12 consideration of the public and student interest in attending and
13 participating in various recreational and athletic activities. Each
14 school which provides showers, toilets, or training room facilities for
15 athletic purposes shall provide comparable facilities for both sexes.
16 Such facilities may be provided either as separate facilities or shall
17 be scheduled and used separately by each sex.

18 The superintendent of public instruction shall also be required to
19 develop a student survey to distribute every three years to each local
20 school district in the state to determine student interest for
21 male/female participation in specific sports.

22 (~~(4)~~) (d) Specifically with respect to course offerings, all
23 classes shall be required to be available to all students without
24 regard to sex: PROVIDED, That separation is permitted within any class
25 during sessions on sex education or gym classes.

26 (~~(5)~~) (e) Specifically with respect to textbooks and
27 instructional materials, which shall also include, but not be limited
28 to, reference books and audio-visual materials, they shall be required
29 to adhere to the guidelines developed by the superintendent of public
30 instruction to implement the intent of this chapter: PROVIDED, That
31 this subsection shall not be construed to prohibit the introduction of
32 material deemed appropriate by the instructor for educational purposes.

33 (2)(a) By December 31, 1994, the superintendent of public
34 instruction shall develop criteria for use by school districts in
35 developing sexual harassment policies as required under (b) of this
36 subsection. The criteria shall address the subjects of grievance
37 procedures, remedies to victims of sexual harassment, disciplinary
38 actions against violators of the policy, and other subjects at the
39 discretion of the superintendent of public instruction. Disciplinary

1 actions must conform with collective bargaining agreements and state
2 and federal laws. The superintendent of public instruction also shall
3 supply sample policies to school districts upon request.

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

8 (c) School district policies on sexual harassment shall be reviewed
9 by the superintendent of public instruction considering the criteria
10 established under (a) of this subsection as part of the monitoring
11 process established in RCW 28A.640.030.

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

17 (e) Each school shall develop a process for discussing the
18 district's sexual harassment policy. The process shall ensure the
19 discussion addresses the definition of sexual harassment and issues
20 covered in the sexual harassment policy.

21 (f) "Sexual harassment" as used in this section means unwelcome
22 sexual advances, requests for sexual favors, sexually motivated
23 physical contact, or other verbal or physical conduct or communication
24 of a sexual nature if:

25 (i) Submission to that conduct or communication is made a term or
26 condition, either explicitly or implicitly, of obtaining an education
27 or employment;

28 (ii) Submission to or rejection of that conduct or communication by
29 an individual is used as a factor in decisions affecting that
30 individual's education or employment; or

31 (iii) That conduct or communication has the purpose or effect of
32 substantially interfering with an individual's educational or work
33 performance, or of creating an intimidating, hostile, or offensive
34 educational or work environment."

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4 On page 1, line 2 of the title, after "criteria;" strike the
5 remainder of the title and insert "and amending RCW 28A.640.020."

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