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**SUBSTITUTE HOUSE BILL 2153**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives J. Kohl, Foreman, Thibaudeau, Ballasiotes, L. Johnson, Cooke, Valle, R. Johnson, Ogden, H. Myers, Heavey, Cothorn, Appelwick, Anderson, Roland, Forner, Campbell, Kremen, Pruitt, Johanson, Kessler, Holm, King, Wineberry, Basich, Romero, Springer and Leonard)

Read first time 02/04/94.

1 AN ACT Relating to school district sexual harassment policy  
2 criteria; and amending RCW 28A.640.020.

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

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

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

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

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

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

18 ~~((c))~~ (iii) Assign school duties without regard to sex except  
19 where such assignment would involve duty in areas or situations, such

1 as but not limited to a shower room, where persons might be  
2 disrobed(~~(-)~~);

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

5 ~~((e))~~ (v) 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 ~~((2))~~ (b) 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 ~~((3))~~ (c) Specifically with respect to recreational and athletic  
15 activities, they shall be offered to all students without regard to  
16 sex. Schools may provide separate teams for each sex. Schools which  
17 provide the following shall do so with no disparities based on sex:  
18 Equipment and supplies; medical care; services and insurance;  
19 transportation and per diem allowances; opportunities to receive  
20 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 The superintendent of public instruction shall also be required to  
32 develop a student survey to distribute every three years to each local  
33 school district in the state to determine student interest for  
34 male/female participation in specific sports.

35 ~~((4))~~ (d) 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  
38 during sessions on sex education or gym classes.

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

8       (2)(a) By December 31, 1994, the superintendent of public  
9 instruction shall develop criteria for use by school districts in  
10 developing sexual harassment policies as required under (b) of this  
11 subsection. The criteria shall address the subjects of grievance  
12 procedures, remedies to victims of sexual harassment, disciplinary  
13 actions against violators of the policy, and other subjects at the  
14 discretion of the superintendent of public instruction. Disciplinary  
15 actions must conform with collective bargaining agreements and state  
16 and federal laws. The superintendent of public instruction also shall  
17 supply sample policies to school districts upon request.

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

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

26       (d) The school district's sexual harassment policy shall be  
27 conspicuously posted throughout each school building, and provided to  
28 each employee and volunteer. A copy of the policy shall appear in any  
29 publication of the school or school district setting forth the rules,  
30 regulations, procedures, and standards of conduct for the school or  
31 school district.

32       (e) Each school shall develop a process for discussing the  
33 district's sexual harassment policy with employees, volunteers,  
34 parents, and students. The process shall ensure the discussion  
35 addresses the definition of sexual harassment and issues covered in the  
36 sexual harassment policy.

37       (f) "Sexual harassment" as used in this section means unwelcome  
38 sexual advances, requests for sexual favors, sexually motivated

1 physical contact, or other verbal or physical conduct or communication  
2 of a sexual nature if:

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

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

9 (iii) That conduct or communication has the purpose or effect of  
10 substantially interfering with an individual's educational or work  
11 performance, or of creating an intimidating, hostile, or offensive  
12 educational or work environment.

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