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SENATE BILL 6749

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State of Washington

55th Legislature

1998 Regular Session

By Senators Roach and Hochstatter

Read first time 02/04/98. Referred to Committee on Education.

1 AN ACT Relating to student surveys regarding sports participation;  
2 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 1994 c 213 s 1 are each amended to  
5 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 (a) Specifically with respect to public school employment, all  
13 schools shall be required to:

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

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

17 (iii) Assign school duties without regard to sex except where such  
18 assignment would involve duty in areas or situations, such as but not  
19 limited to a shower room, where persons might be disrobed;

1 (iv) Provide the same opportunities for advancement to males and  
2 females; and

3 (v) Make no difference in conditions of employment including, but  
4 not limited to, hiring practices, leaves of absence, hours of  
5 employment, and assignment of, or pay for, instructional and  
6 noninstructional duties, on the basis of sex.

7 (b) Specifically with respect to counseling and guidance services  
8 for students, they shall be made available to all students equally.  
9 All certificated personnel shall be required to stress access to all  
10 career and vocational opportunities to students without regard to sex.

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

28 (~~The superintendent of public instruction shall also be required  
29 to develop a student survey to distribute every three years to each  
30 local school district in the state to determine student interest for  
31 male/female participation in specific sports.~~)

32 (d) Specifically with respect to course offerings, all classes  
33 shall be required to be available to all students without regard to  
34 sex: PROVIDED, That separation is permitted within any class during  
35 sessions on sex education or gym classes.

36 (e) Specifically with respect to textbooks and instructional  
37 materials, which shall also include, but not be limited to, reference  
38 books and audio-visual materials, they shall be required to adhere to  
39 the guidelines developed by the superintendent of public instruction to

1 implement the intent of this chapter: PROVIDED, That this subsection  
2 shall not be construed to prohibit the introduction of material deemed  
3 appropriate by the instructor for educational purposes.

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

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

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

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

27 (e) Each school shall develop a process for discussing the  
28 district's sexual harassment policy. The process shall ensure the  
29 discussion addresses the definition of sexual harassment and issues  
30 covered in the sexual harassment policy.

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

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

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

4       (iii) That conduct or communication has the purpose or effect of  
5 substantially interfering with an individual's educational or work  
6 performance, or of creating an intimidating, hostile, or offensive  
7 educational or work environment.

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