

1 **SSB 6117** - H AMD

2 By Representative Murray

3 On page 3, after line 9, insert the following:

4 "Sec. 5. 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;

20 (iv) Provide the same opportunities for advancement to males and  
21 females; and

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

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

30 (c) Specifically with respect to recreational and athletic  
31 activities, they shall be offered to all students without regard to  
32 sex. Schools may provide separate teams for each sex. Schools which  
33 provide the following shall do so with no disparities based on sex:  
34 Equipment and supplies; medical care; services and insurance;  
35 transportation and per diem allowances; opportunities to receive

1 coaching and instruction; laundry services; assignment of game  
2 officials; opportunities for competition, publicity and awards;  
3 scheduling of games and practice times including use of courts, gyms,  
4 and pools: PROVIDED, That such scheduling of games and practice times  
5 shall be determined by local administrative authorities after  
6 consideration of the public and student interest in attending and  
7 participating in various recreational and athletic activities. Each  
8 school which provides showers, toilets, or training room facilities for  
9 athletic purposes shall provide comparable facilities for both sexes.  
10 Such facilities may be provided either as separate facilities or shall  
11 be scheduled and used separately by each sex.

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

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

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

27 (2)(a)((By ~~December 31, 1994,~~) ) The superintendent of public  
28 instruction shall develop criteria for use by school districts in  
29 developing sexual harassment policies and policies concerning the  
30 behavior defined in RCW 9A.36.080 as required under (b) of this  
31 subsection. The criteria shall address the subjects of grievance  
32 procedures, remedies to victims of sexual harassment and victims of the  
33 behavior defined in RCW 9A.36.080, disciplinary actions against  
34 violators of the policy, and other subjects at the discretion of the  
35 superintendent of public instruction. Disciplinary actions must  
36 conform with collective bargaining agreements and state and federal  
37 laws. The superintendent of public instruction also shall supply  
38 sample policies to school districts upon request.

1 (b)~~((By June 30, 1995,))~~ Every school district shall adopt and  
2 implement a written policy concerning sexual harassment and a written  
3 policy concerning the behavior defined in RCW 9A.36.080. The  
4 ~~((policy))~~ policies shall apply to all school district employees,  
5 volunteers, parents, and students, including, but not limited to,  
6 conduct between students.

7 (c) School district policies on sexual harassment and concerning  
8 the behavior defined in RCW 9A.36.080 shall be reviewed by the  
9 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 and policy  
13 concerning the behavior defined in RCW 9A.36.080 shall be conspicuously  
14 posted throughout each school building, and provided to each employee.  
15 A copy of the ~~((policy))~~ policies shall appear in any publication of  
16 the school or school district setting forth the rules, regulations,  
17 procedures, and standards of conduct for the school or school district.

18 (e) Each school shall develop a process for discussing the  
19 district's sexual harassment policy and policy concerning the behavior  
20 defined in RCW 9A.36.080. The process shall ensure the discussion  
21 addresses the definition of sexual harassment, the definition in RCW  
22 9A.36.080, and issues covered in the ~~((sexual harassment policy))~~  
23 policies.

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

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

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

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

- 1 Correct the title accordingly.

**EFFECT:** Requires the Superintendent of Public Instruction to develop criteria for use by school districts in developing policies concerning malicious harassment. Requires each school district to adopt such a policy. The policy must be posted, and appear in any school or school district publication setting forth rules, procedures, or standards of conduct.