

2 EHB 2304 - s amd - 546
3 By Senator Thibaudeau

4 WITHDRAWN 5/19/99

5 On page 2, line 3, after "students" insert ", including but not
6 limited to antiharassment training for staff and students under
7 sections 3 and 5 of this act and RCW 28A.640.020"

8 On page 2, after line 20, insert the following:

9 "NEW SECTION. Sec. 3. The legislature recognizes that families
10 and educators alike want schools to be institutions where learning can
11 occur. The legislature also recognizes that learning cannot take place
12 without a certain level of physical and emotional safety and that
13 parents want and need to be able to send their children to school
14 without concern over the physical and emotional safety of their
15 children. The legislature finds that policies to ensure students'
16 freedom from sexual and malicious harassment and even the existence of
17 such policies vary from one Washington state public school district to
18 the next. Whereas sexual and other malicious harassment are
19 particularly pernicious threats to school safety, the legislature
20 intends to require that public school districts establish, publicize
21 and enforce policies prohibiting and punishing such behavior. It is
22 also the intent of the legislature to ensure that all school personnel
23 and students understand the importance of and the procedures for
24 maintaining a safe learning environment and for enforcing their school
25 districts' sexual and malicious harassment policies.

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

28 (1) The superintendent of public instruction shall develop
29 regulations and guidelines to eliminate sex discrimination as it
30 applies to public school employment, counseling and guidance services
31 to students, recreational and athletic activities for students, access
32 to course offerings, and in textbooks and instructional materials used
33 by students.

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

3 (i) Maintain credential requirements for all personnel without
4 regard to sex;

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

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

9 (iv) Provide the same opportunities for advancement to males and
10 females; and

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

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

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

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

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

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

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

23 (b) (~~By June 30, 1995,~~) Every school district shall adopt and
24 implement ((a)) written ((policy)) policies concerning sexual
25 harassment and malicious harassment. The ((policy)) policies shall
26 apply to all school district employees, volunteers, parents, and
27 students, including, but not limited to, conduct between students.

28 (c) School district policies on sexual harassment and malicious
29 harassment shall be reviewed by the superintendent of public
30 instruction considering the criteria established under (a) of this
31 subsection as part of the monitoring process established in RCW
32 28A.640.030.

33 (d) The school district's sexual harassment ((policy)) and
34 malicious harassment policies shall be conspicuously posted throughout
35 each school building, and provided to each employee. A copy of the
36 ((policy)) policies shall appear in any publication of the school or
37 school district setting forth the rules, regulations, procedures, and
38 standards of conduct for the school or school district.

1 (e)(i) Each school shall develop a process for discussing the
2 district's sexual harassment (~~policy~~) and malicious harassment
3 policies with students. The process shall ensure the discussion
4 addresses the definition of sexual harassment and malicious harassment
5 and issues covered in the sexual harassment (~~policy~~) and malicious
6 harassment policies.

7 (ii) Each school district shall provide to employees and volunteers
8 who have significant contact with students training on the school
9 district's sexual harassment and malicious harassment policies in
10 accordance with the guidelines adopted by the superintendent of public
11 instruction under section 5(2) of this act.

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

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

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

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

26 (g) "Malicious harassment" as used in this section means malicious
27 harassment as defined in RCW 9A.36.080.

28 NEW SECTION. Sec. 5. (1) The superintendent of public instruction
29 shall develop the criteria for use by school districts in developing
30 malicious harassment policies, as required under RCW 28A.640.020(2)(a),
31 by December 31, 1999. All school districts shall adopt and implement
32 a written policy concerning malicious harassment, as required under RCW
33 28A.640.020(2)(b) by July 1, 2000.

34 (2)(a) The superintendent of public instruction shall adopt
35 guidelines for use by school districts on training school district
36 employees and volunteers about school district policies regarding
37 sexual harassment and malicious harassment. The superintendent of
38 public instruction shall establish training program guidelines that, to

1 the extent possible, can be implemented within existing training
2 programs for employees and volunteers and with minimal additional
3 expenditure of time and resources.

4 (b) The superintendent of public instruction shall adopt training
5 guidelines under this subsection (2) by July 1, 2000. Each school
6 district shall institute training programs in accordance with the
7 guidelines adopted by the superintendent of public instruction and as
8 required under RCW 28A.640.020(2)(e). To the extent possible, such
9 programs shall be instituted by the beginning of the 2000 school year."

10 Renumber the sections consecutively and correct any internal
11 references accordingly.

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15 On page 1, on line 1 of the title, after "programs;" insert
16 "amending RCW 28A.640.020;"

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