

SENATE BILL REPORT

SB 6547

As Reported By Senate Committee On:
Government Operations & Elections, February 07, 2008

Title: An act relating to prohibiting discrimination on the basis of sex in public community athletics programs.

Brief Description: Prohibiting discrimination in community athletics programs.

Sponsors: Senators Kohl-Welles, Benton, Fairley, Delvin, Murray, Kastama, McDermott, Swecker, Keiser, Jacobsen, Regala, Franklin, McAuliffe, Fraser, Prentice, Shin, Rasmussen, Kline and Spanel.

Brief History:

Committee Activity: Government Operations & Elections: 1/31/08, 2/7/08 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6547 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, McDermott and Pridemore.

Staff: Khalia Gibson (786-7460)

Background: Title IX of the Education Amendments of 1972 is a federal statute created to prohibit sex discrimination in education programs that receive federal financial assistance. Nearly every educational institution is a recipient of federal funds, and therefore is required to comply with Title IX.

In 1975 Washington adopted its own Title IX legislation in RCW 28A.640.010, which prohibits inequality in the educational opportunities afforded women and girls at all levels of public schools in Washington state.

Currently, Washington law does not extend the protection of Title IX to opportunities in community athletic programs.

Summary of Bill: The bill as referred to committee was not considered.

SUMMARY OF BILL (Recommended Substitute): No city, town, county, district, or public school district may discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Male and female athletic participants must be accorded equal opportunities for participation in community athletics programs, both in quality and scope.

Courts must consider accommodations, coaching opportunities and compensation, season selection, publicity, and additional factors when determining whether discrimination exists. If a court finds the violation of one of the listed factors and there is substantial harm, it may find that unlawful discrimination exists. Courts must also assess whether the community athletics program effectively addresses the athletic interests and abilities of both males and females.

A city, town, county, district, or public school district that permits or leases its facilities and resources for community athletics programs must not authorize usage unless the third party contractor is in compliance with athletic equality requirements. Third party contractors must sign a certification of nondiscrimination before receiving a permit to use a facility for community athletics programs. If the contractor fails to comply, the contractor must prepare and submit a corrective plan and timeline for implementation prior to receiving future permits or leases.

Each city, town, district, or public school district operating a community athletics program or issuing permits for use of their facilities must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities to ensure equality. Grievance procedures must also be in operation to provide for prompt and equitable resolution of complaints.

The anti-discrimination provisions are applied to existing RCW sections regarding programs and facilities.

A work group is formed by the appropriate committees of the House and Senate to study reporting guidelines that will enable compliance monitoring. Findings from the workgroup must be submitted to the appropriate committees of the legislature by September 1, 2009.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute as Passed Committee): The reporting requirements to the Washington State Human Rights Commission are removed.

Appropriation: None.

Fiscal Note: Requested on January 28, 2008.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:

PRO: We are in the midst of an obesity epidemic; sports and physical activity combat obesity. There is a current state of physical inactivity among our youth and we want to ensure all children have the opportunity to participate in community athletics. Participation in sports promotes higher self esteem and better body image, along with additional health benefits. Efforts have been made to try to get fields for female athletic teams, but cities often discriminate against new organizations. We need to implement an across-the-board way to get use of the facilities for all athletic teams.

CON: We are not opposed to Title IX and gender equity, but the bill requires significant reporting, accounting, and administration. There are thousands of community athletic programs, and the thought of administering this program would cost a significant amount of money. The proposed substitute only changes dates which reports are due, not the requirements on data collection and reporting. The big issue is maximizing school district fields to get people out there participating. We are open to finding a successful solution because healthy communities are our business.

Persons Testifying: PRO: Terri Lakowski, Women's Sports Foundation; Jenane Lesko, private citizen.

CON: Jennifer Schroeder, Washington Parks and Recreation Association.