

**E2SHB 3026** - S COMM AMD  
By Committee on Ways & Means

ADOPTED 03/05/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that in 1975  
4 legislation was adopted, codified as chapter 28A.640 RCW, recognizing  
5 the deleterious effect of discrimination on the basis of sex,  
6 specifically prohibiting such discrimination in Washington public  
7 schools, and requiring the office of the superintendent of public  
8 instruction to monitor and enforce compliance. The legislature further  
9 finds that, while numerous state and federal laws prohibit  
10 discrimination on other bases in addition to sex, the common school  
11 provisions in Title 28A RCW do not include specific acknowledgment of  
12 the right to be free from discrimination because of race, creed, color,  
13 national origin, honorably discharged veteran or military status,  
14 sexual orientation, the presence of any sensory, mental, or physical  
15 disability, or the use of a trained dog guide or service animal by a  
16 person with a disability, nor do any common school provisions  
17 specifically direct the office of the superintendent of public  
18 instruction to monitor and enforce compliance with these laws. The  
19 legislature finds that one of the recommendations made to the  
20 legislature by the achievement gap oversight and accountability  
21 committee created in chapter 468, Laws of 2009, was that the office of  
22 the superintendent of public instruction should be specifically  
23 authorized to take affirmative steps to ensure that school districts  
24 comply with all civil rights laws, similar to what has already been  
25 authorized in chapter 28A.640 RCW with respect to discrimination on the  
26 basis of sex.

27 NEW SECTION. **Sec. 2.** Discrimination in Washington public schools  
28 on the basis of race, creed, religion, color, national origin,  
29 honorably discharged veteran or military status, sexual orientation

1 including gender expression or identity, the presence of any sensory,  
2 mental, or physical disability, or the use of a trained dog guide or  
3 service animal by a person with a disability is prohibited. The  
4 definitions given these terms in chapter 49.60 RCW apply throughout  
5 this chapter unless the context clearly requires otherwise.

6 NEW SECTION. **Sec. 3.** The superintendent of public instruction  
7 shall develop rules and guidelines to eliminate discrimination  
8 prohibited in section 2 of this act as it applies to public school  
9 employment, counseling and guidance services to students, recreational  
10 and athletic activities for students, access to course offerings, and  
11 in textbooks and instructional materials used by students.

12 NEW SECTION. **Sec. 4.** The office of the superintendent of public  
13 instruction shall monitor local school districts' compliance with this  
14 chapter, and shall establish a compliance timetable, rules, and  
15 guidelines for enforcement of this chapter.

16 NEW SECTION. **Sec. 5.** Any person aggrieved by a violation of this  
17 chapter, or aggrieved by the violation of any rule or guideline adopted  
18 under this chapter, has a right of action in superior court for civil  
19 damages and such equitable relief as the court determines.

20 NEW SECTION. **Sec. 6.** The superintendent of public instruction has  
21 the power to enforce and obtain compliance with the provisions of this  
22 chapter and the rules and guidelines adopted under this chapter, by  
23 appropriate order made pursuant to chapter 34.05 RCW. The order may  
24 include, but is not limited to, termination of all or part of state  
25 apportionment or categorical moneys to the offending school district,  
26 termination of specified programs in which violations may be flagrant  
27 within the offending school district, institution of corrective action,  
28 and the placement of the offending school district on probation with  
29 appropriate sanctions until compliance is achieved.

30 NEW SECTION. **Sec. 7.** This chapter is supplementary to, and does  
31 not supersede, existing law and procedures and future amendments to  
32 those laws and procedures relating to unlawful discrimination.

1        NEW SECTION.   **Sec. 8.**   Sections 1 through 7 of this act constitute  
2   a new chapter in Title 28A RCW.

3        NEW SECTION.   **Sec. 9.**   If specific funding for the purposes of this  
4   act, referencing this act by bill or chapter number, is not provided by  
5   June 30, 2010, in the omnibus appropriations act, this act is null and  
6   void."

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7        On page 1, line 2 of the title, after "laws;" strike the remainder  
8   of the title and insert "adding a new chapter to Title 28A RCW; and  
9   creating a new section."

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