
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3026

State of Washington

61st Legislature

2010 Regular Session

By House Ways & Means (originally sponsored by Representatives Santos, Quall, Chase, Upthegrove, Kenney, Hunt, Nelson, Liias, McCoy, Hudgins, Simpson, and Darneille)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to school districts' compliance with state and
2 federal civil rights laws; adding a new chapter to Title 28A RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that in 1975
6 legislation was adopted, codified as chapter 28A.640 RCW, recognizing
7 the deleterious effect of discrimination on the basis of sex,
8 specifically prohibiting such discrimination in Washington public
9 schools, and requiring the office of the superintendent of public
10 instruction to monitor and enforce compliance. The legislature further
11 finds that, while numerous state and federal laws prohibit
12 discrimination on other bases in addition to sex, the common school
13 provisions in Title 28A RCW do not include specific acknowledgment of
14 the right to be free from discrimination because of race, creed, color,
15 national origin, honorably discharged veteran or military status,
16 sexual orientation, the presence of any sensory, mental, or physical
17 disability, or the use of a trained dog guide or service animal by a
18 person with a disability, nor do any common school provisions
19 specifically direct the office of the superintendent of public

1 instruction to monitor and enforce compliance with these laws. The
2 legislature finds that one of the recommendations made to the
3 legislature by the achievement gap oversight and accountability
4 committee created in chapter 468, Laws of 2009, was that the office of
5 the superintendent of public instruction should be specifically
6 authorized to take affirmative steps to ensure that school districts
7 comply with all state and federal civil rights laws, similar to what
8 has already been authorized in chapter 28A.640 RCW with respect to
9 discrimination on the basis of sex. Finally, noting the history of
10 federal and state civil rights legislation and enforcement, the
11 legislature finds that public awareness of discriminatory practices and
12 disparate educational outcomes is an effective complement to formal
13 enforcement or corrective actions.

14 NEW SECTION. **Sec. 2.** Discrimination in Washington public schools
15 on the basis of race, creed, religion, color, national origin,
16 honorably discharged veteran or military status, sexual orientation
17 including gender expression or identity, the presence of any sensory,
18 mental, or physical disability, or the use of a trained dog guide or
19 service animal by a person with a disability is prohibited. The
20 definitions given these terms in chapter 49.60 RCW apply throughout
21 this chapter unless the context clearly requires otherwise.

22 NEW SECTION. **Sec. 3.** The superintendent of public instruction
23 shall develop rules and guidelines to eliminate discrimination
24 prohibited in section 2 of this act as it applies to public school
25 employment, counseling and guidance services to students, recreational
26 and athletic activities for students, access to course offerings, and
27 in textbooks and instructional materials used by students.

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

32 NEW SECTION. **Sec. 5.** Any person aggrieved by a violation of this
33 chapter, or aggrieved by the violation of any rule or guideline adopted

1 under this chapter, has a right of action in superior court for civil
2 damages and such equitable relief as the court determines.

3 NEW SECTION. **Sec. 6.** The superintendent of public instruction has
4 the power to enforce and obtain compliance with the provisions of this
5 chapter and other state and federal laws prohibiting discrimination,
6 including chapter 49.60 RCW, Title VI of the civil rights act of 1964,
7 as amended (42 U.S.C. Secs. 2000d et seq.), Title IX of the education
8 amendments of 1972, as amended (20 U.S.C. Secs. 1681 et seq.), section
9 504 of the rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794),
10 the age discrimination act of 1975, as amended (42 U.S.C. Secs. 6101 et
11 seq.), and if applicable, the boy scouts of America equal access act of
12 2001 (20 U.S.C. Sec. 7905), and the rules and regulations adopted under
13 these laws, by appropriate order made pursuant to chapter 34.05 RCW.
14 The order may include, but is not limited to, termination of all or
15 part of federal financial assistance or state apportionment or
16 categorical moneys to the offending school district, termination of
17 specified programs in which violations may be flagrant within the
18 offending school district, institution of corrective action, and the
19 placement of the offending school district on probation with
20 appropriate sanctions until compliance is achieved. The superintendent
21 will monthly post prominently on an appropriate state web site and
22 issue statewide a press release which reports any violations subject to
23 the foregoing order or other punitive or corrective actions. In
24 addition, the superintendent will monthly update a web site reporting
25 both the nature and extent, if any, of educational disparities evident
26 in student outcome data reported by each of the state's school
27 districts and, where reported, the corrective actions being undertaken
28 by that district.

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

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

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

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