
ENGROSSED SUBSTITUTE SENATE BILL 5967

State of Washington

61st Legislature

2009 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Kohl-Welles, Fairley, Fraser, McAuliffe, and Kline)

READ FIRST TIME 02/24/09.

1 AN ACT Relating to prohibiting unfair practices in public community
2 athletics programs by prohibiting discrimination on the basis of sex;
3 adding new sections to chapter 49.60 RCW; adding a new section to
4 chapter 35.21 RCW; adding a new section to chapter 35.61 RCW; adding a
5 new section to chapter 35A.21 RCW; adding a new section to chapter
6 36.68 RCW; adding a new section to chapter 36.69 RCW; and creating a
7 new section.

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

9 NEW SECTION. **Sec. 1.** The legislature finds and declares:

10 On June 23, 1972, President Richard Nixon signed into law Title IX
11 of the Education Amendments of 1972 to the 1964 Civil Rights Act. This
12 landmark legislation provides that: "No person in the United States
13 shall, on the basis of sex, be excluded from participation in, be
14 denied the benefits of, or be subjected to discrimination under any
15 education program or activity receiving Federal financial
16 assistance...." Title IX has expanded opportunities for males as well
17 as females in educational programs and activities, including ensuring
18 access to athletic opportunities for girls and women in educational
19 institutions and to male and female staff to coaching and athletics

1 administrative positions in educational institutions. The dramatic
2 increases in participation rates at both the high school and college
3 levels since Title IX was passed show that when doors are opened to
4 women and girls, they will participate.

5 Further, ensuring equality in the state of Washington, the
6 legislature passed an amendment to the state Constitution, ratified by
7 the voters in November 1972, providing "Equality of rights and
8 responsibilities under the law shall not be denied or abridged on
9 account of sex." In 1975, Washington continued to be at the forefront
10 of this issue by adopting legislation that established our own
11 statutory version of the federal Title IX law that prohibited
12 "inequality in the educational opportunities afforded women and girls
13 at all levels of the public schools in Washington state."

14 Athletic opportunities provide innumerable benefits to
15 participants, including greater academic success, better physical and
16 psychological health, responsible social behaviors, and enhanced
17 interpersonal skills. Athletic scholarships make it possible for some
18 young people to attend college. The Washington state legislature,
19 recognizing the importance of full participation in athletics, has
20 passed numerous bills directed at achieving equity and eliminating
21 discrimination in intercollegiate athletics in the state's institutions
22 of higher education.

23 Despite advances in educational settings and efforts by some local
24 agencies to expand opportunities in community athletics programs,
25 discrimination still exists that limits these opportunities. It is the
26 intent of the legislature to expand and support equal participation in
27 athletics programs, and provide all sports programs equal access to
28 facilities administered by cities, towns, counties, metropolitan park
29 districts, park and recreation service areas, or park and recreation
30 districts.

31 Nothing in this act is intended to affect the holding in the
32 Washington state supreme court's ruling in *Darrin v. Gould*, 85 Wn.2d
33 859, 540 P.2d 882 (1975) and its progeny that held it is not acceptable
34 to discriminate in contact sports on the basis of sex.

35 NEW SECTION. **Sec. 2.** (1) No city, town, county, or district may
36 discriminate against any person on the basis of sex in the operation,
37 conduct, or administration of community athletics programs for youth or

1 adults. A third party receiving a lease or permit from a city, town,
2 county, or district, including a school district, for a community
3 athletics program also may not discriminate against any person on the
4 basis of sex in the operation, conduct, or administration of community
5 athletics programs for youth or adults.

6 (2) The definitions in this subsection apply throughout this
7 section.

8 (a) "Community athletics program" means any athletic program that
9 is organized for the purposes of training for and engaging in athletic
10 activity and competition and that is in any way operated, conducted,
11 administered, or supported by a city, town, county, district, or school
12 district other than those offered by the school and created solely for
13 the students by the school.

14 (b) "District" means any metropolitan park district, park and
15 recreation service area, or park and recreation district.

16 NEW SECTION. **Sec. 3.** (1) By January 1, 2010, each city, town,
17 county, or district operating a community athletics program or issuing
18 permission to a third party for the operation of such program on its
19 facilities shall adopt a policy that specifically prohibits
20 discrimination against any person on the basis of sex in the operation,
21 conduct, or administration of community athletics programs for youth or
22 adults.

23 (2) It is the responsibility of each city, town, county, or
24 district operating a community athletics program or issuing permission
25 to a third party for the operation of such program on its facilities to
26 publish and disseminate this policy. At a minimum, the
27 nondiscrimination policy should be included in any publication that
28 includes information about the entity's own athletics programs, or
29 about obtaining a permit for operating athletics programs and on the
30 appropriate city, town, county, or district web site.

31 (3) School districts issuing permission to a third party for the
32 operation of a community athletics program on its facilities shall also
33 follow the provisions of this subsection but may modify and use
34 existing school district policies and procedures to the extent that is
35 possible. Nothing in this section may be construed to require school
36 districts to monitor compliance, investigate complaints, or otherwise

1 enforce school district policies as to third parties using school
2 district facilities.

3 (4) Every city, town, county, or district covered by this section
4 should also publish the name, office address, and office telephone
5 number of the employee or employees responsible for its efforts to
6 comply with and carry out its responsibilities under this section.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21 RCW
8 to read as follows:

9 The antidiscrimination provisions of section 2 of this act apply to
10 programs and facilities operated under this chapter.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.61 RCW
12 to read as follows:

13 The antidiscrimination provisions of section 2 of this act apply to
14 programs and facilities operated under this chapter.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 35A.21 RCW
16 to read as follows:

17 The antidiscrimination provisions of section 2 of this act apply to
18 programs and facilities operated under this chapter.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.68 RCW
20 to read as follows:

21 The antidiscrimination provisions of section 2 of this act apply to
22 programs and facilities operated under this chapter.

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.69 RCW
24 to read as follows:

25 The antidiscrimination provisions of section 2 of this act apply to
26 programs and facilities operated under this chapter.

27 NEW SECTION. **Sec. 9.** Sections 2 and 3 of this act are each added
28 to chapter 49.60 RCW.

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