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**SUBSTITUTE SENATE BILL 5967**

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**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.

36 (4) Every city, town, county, or district covered by this section

1 should also publish the name, office address, and office telephone  
2 number of the employee or employees responsible for its efforts to  
3 comply with and carry out its responsibilities under this section.

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

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

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

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

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

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

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

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

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

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

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

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