

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3026

Chapter 240, Laws of 2010

61st Legislature
2010 Regular Session

K-12 EDUCATION--PROHIBITION OF DISCRIMINATION

EFFECTIVE DATE: 06/10/10

Passed by the House March 8, 2010
Yeas 0 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 5, 2010
Yeas 0 Nays 0

BRAD OWEN

President of the Senate

Approved March 29, 2010, 2:32 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3026** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 30, 2010

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3026

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington **61st Legislature** **2010 Regular Session**

By House Ways & Means (originally sponsored by Representatives Santos, Quall, Chase, Upthegrove, Kenney, Hunt, Nelson, Lias, 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 civil rights laws, similar to what has already been
8 authorized in chapter 28A.640 RCW with respect to discrimination on the
9 basis of sex.

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

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

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

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

32 NEW SECTION. **Sec. 6.** The superintendent of public instruction has
33 the power to enforce and obtain compliance with the provisions of this

1 chapter and the rules and guidelines adopted under this chapter, by
2 appropriate order made pursuant to chapter 34.05 RCW. The order may
3 include, but is not limited to, termination of all or part of state
4 apportionment or categorical moneys to the offending school district,
5 termination of specified programs in which violations may be flagrant
6 within the offending school district, institution of corrective action,
7 and the placement of the offending school district on probation with
8 appropriate sanctions until compliance is achieved.

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

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

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

Passed by the House March 8, 2010.

Passed by the Senate March 5, 2010.

Approved by the Governor March 29, 2010.

Filed in Office of Secretary of State March 30, 2010.