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ENGROSSED SUBSTITUTE SENATE BILL 6383

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State of Washington

62nd Legislature

2012 Regular Session

By Senate Government Operations, Tribal Relations & Elections (originally sponsored by Senators Benton, Eide, Schoesler, Kohl-Welles, Chase, Padden, Stevens, Hobbs, Pflug, Hargrove, Harper, McAuliffe, Prentice, Shin, Fraser, Fain, Hill, Baumgartner, Nelson, Swecker, Holmquist Newbry, Kline, Hatfield, Becker, Conway, Hewitt, King, Parlette, Ranker, Litzow, Zarelli, Ericksen, Morton, and Honeyford)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to the Washington interscholastic activities  
2 association; amending RCW 28A.600.200 and 28A.600.205; and creating new  
3 sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the mission of  
6 the Washington interscholastic activities association is to assist  
7 member schools in operating student programs that foster achievement,  
8 respect, equity, enthusiasm, and excellence in a safe and organized  
9 environment. The legislature intends to ensure that this mission is  
10 successfully carried out so that arbitrary sanctions that result in  
11 students unfairly being denied to participate or cause students'  
12 achievements to be diminished do not occur. It is the intent of the  
13 legislature to impact the association's current processes for  
14 establishing penalties for rules violations and to redefine the scope  
15 of penalties that are permitted to be imposed. It is further the  
16 intent of the legislature to build protections into state law so that  
17 punishment, when necessary, is meted out to the appropriate party and  
18 in a proportional manner. The legislature further intends to ensure

1 that state and local rules relating to interschool extracurricular  
2 activities be consistent with one another, promote fairness, and allow  
3 for a clear process of appeal.

4 **Sec. 2.** RCW 28A.600.200 and 2006 c 263 s 904 are each amended to  
5 read as follows:

6 Each school district board of directors is hereby granted and shall  
7 exercise the authority to control, supervise and regulate the conduct  
8 of interschool athletic activities and other interschool  
9 extracurricular activities of an athletic, cultural, social or  
10 recreational nature for students of the district. A board of directors  
11 may delegate control, supervision and regulation of any such activity  
12 to the Washington interscholastic activities association or any other  
13 voluntary nonprofit entity and compensate such entity for services  
14 provided, subject to the following conditions:

15 (1) The voluntary nonprofit entity shall not discriminate in  
16 connection with employment or membership upon its governing board, or  
17 otherwise in connection with any function it performs, on the basis of  
18 race, creed, national origin, sex or marital status;

19 (2)(a) Any rules and policies adopted and applied by the voluntary  
20 nonprofit entity (~~which~~) that governs student participation in any  
21 interschool activity shall be written; and

22 (~~(+3)~~) (b) Such rules and policies shall provide for notice of the  
23 reasons and a fair opportunity to contest such reasons prior to a final  
24 determination to reject a student's request to participate in or to  
25 continue in an interschool activity.

26 (3)(a) The association or other voluntary nonprofit entity is  
27 authorized to impose penalties for rules violations upon coaches,  
28 school district administrators, school administrators, and students, as  
29 appropriate, to punish the offending party or parties;

30 (b) No penalty may be imposed on a student or students unless the  
31 student or students knowingly violated the rules or unless a student  
32 gained a significant competitive advantage or materially disadvantaged  
33 another student through a rule violation;

34 (c) Any penalty that is imposed for rules violations must be  
35 proportional to the offense;

36 (d) Any (~~such~~) decision resulting in a penalty shall be  
37 considered a decision of the school district conducting the activity in

1 which the student seeks to participate or was participating and may be  
2 appealed pursuant to RCW 28A.600.205 and 28A.645.010 through  
3 28A.645.030.

4 (4) The school districts, Washington interscholastic activities  
5 association districts, and leagues that participate in the interschool  
6 extracurricular activities shall not impose more severe penalties for  
7 rule violations than can be imposed by the rules of the association or  
8 the voluntary nonprofit entity.

9 (5) As used in this section and RCW 28A.600.205, "knowingly" means  
10 having actual knowledge of or acting with deliberate ignorance or  
11 reckless disregard for the prohibition involved.

12 **Sec. 3.** RCW 28A.600.205 and 2006 c 263 s 905 are each amended to  
13 read as follows:

14 ~~((By July 1, 2006,))~~ (1)(a) The Washington interscholastic  
15 activities association shall establish a nine-person appeals committee  
16 to address appeals of noneligibility issues. The committee shall be  
17 comprised of the secretary from each of the activity districts of the  
18 Washington interscholastic activities association. The committee shall  
19 begin hearing appeals by July 1, 2006. No committee member may  
20 participate in the appeal process if the member was involved in the  
21 activity that was the basis of the appeal.

22 (b) Any penalty or sanction that is imposed or upheld by the  
23 appeals committee must be proportional to the offense and must be  
24 imposed upon only the offending individual or individuals, including  
25 coaches, school district administrators, school administrators, and  
26 students. However, only the Washington interscholastic activities  
27 association executive board has the authority to remove a team from  
28 postseason competition. Should a school violate a Washington  
29 interscholastic activities association rule, that violation does not  
30 automatically remove that school's team from postseason competition.  
31 Penalties levied against coaches and school programs must be considered  
32 before removing a team from postseason competition. Removal of a team  
33 from postseason competition must be the last option.

34 (2)(a) A decision of the appeals committee may be appealed to the  
35 executive board of the association. If a matter is appealed to the  
36 executive board, then the board shall conduct a de novo review of the  
37 matter before making a decision.

1        (b) Any penalty or sanction that is imposed or upheld by the  
2 executive board must be proportional to the offense and must be imposed  
3 upon only the offending individual or individuals including coaches,  
4 school district administrators, school administrators, or students.  
5 However, only the Washington interscholastic activities association  
6 executive board has the authority to remove a team from postseason  
7 competition. Should a school violate a Washington interscholastic  
8 activities association rule, that violation does not automatically  
9 remove that school's team from postseason competition. Penalties  
10 levied against coaches and school programs must be considered before  
11 removing a team from postseason competition. Removal of a team from  
12 postseason competition must be the last option.

13        (c) If a rule violation is reported to the association within ten  
14 days of the relevant postseason play, then the only review shall be  
15 conducted by the executive board of the Washington interscholastic  
16 activities association so that a decision can be rendered in a timely  
17 manner. The executive board must take all possible actions to render  
18 a decision before the postseason play takes place.

19        (3) A decision of the executive board of the association may be  
20 appealed to superior court pursuant to RCW 28A.645.010 through  
21 28A.645.030.

22        NEW SECTION. Sec. 4. Within available resources, the Washington  
23 interscholastic activities association shall develop model rules  
24 regarding a rules violation punishment grid that is modeled after the  
25 Washington state sentencing guidelines. The rules shall outline  
26 appropriate degrees of punishment correlated with the severity of a  
27 violation of the rules. The Washington interscholastic activities  
28 association shall present its model rules to the legislature no later  
29 than December 30, 2012.

30        NEW SECTION. Sec. 5. This act may be known and cited as the  
31 Knight act.

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