
HOUSE BILL 1836

State of Washington

67th Legislature

2022 Regular Session

By Representatives Shewmake and Pollet

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1 AN ACT Relating to awarding academic scholarships to members of
2 underprivileged or disadvantaged groups; and amending RCW 49.60.400.

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

4 **Sec. 1.** RCW 49.60.400 and 2013 c 242 s 7 are each amended to
5 read as follows:

6 (1) The state shall not discriminate against, or grant
7 preferential treatment to, any individual or group on the basis of
8 race, sex, color, ethnicity, or national origin in the operation of
9 public employment, public education, or public contracting.

10 (2) This section applies only to action taken after December 3,
11 1998.

12 (3) This section does not affect any law or governmental action
13 that does not discriminate against, or grant preferential treatment
14 to, any individual or group on the basis of race, sex, color,
15 ethnicity, or national origin.

16 (4) This section does not affect any otherwise lawful
17 classification that:

18 (a) Is based on sex and is necessary for sexual privacy or
19 medical or psychological treatment; or

20 (b) Is necessary for undercover law enforcement or for film,
21 video, audio, or theatrical casting; or

1 (c) Provides for separate athletic teams for each sex.

2 (5) This section does not invalidate any court order or consent
3 decree that is in force as of December 3, 1998.

4 (6) This section does not prohibit action that must be taken to
5 establish or maintain eligibility for any federal program, if
6 ineligibility would result in a loss of federal funds to the state.

7 (7) Nothing in this section prohibits schools established under
8 chapter 28A.715 RCW from:

9 (a) Implementing a policy of Indian preference in employment; or

10 (b) Prioritizing the admission of tribal members where capacity
11 of the school's programs or facilities is not as large as demand.

12 (8)(a) Nothing in this section prohibits any state entity that
13 awards private fund academic scholarships from using membership in an
14 underprivileged or disadvantaged group as a criterion for awarding
15 such scholarships.

16 (b) To identify members of underprivileged or disadvantaged
17 groups, state entities may consider a scholarship applicant's race,
18 sex, color, ethnicity, and national origin as nondispositive factors,
19 but must also consider additional factors, which may include, without
20 limitation, economic resources, health, residence, upbringing,
21 education, life experience, and any other criteria relevant to
22 membership in an underprivileged or disadvantaged group.

23 (c) For purposes of this section, "private fund academic
24 scholarship" means a grant awarded for educational purposes that is
25 entirely funded by private moneys.

26 (9) For the purposes of this section, "state" includes, but is
27 not necessarily limited to, the state itself, any city, county,
28 public college or university, community college, school district,
29 special district, or other political subdivision or governmental
30 instrumentality of or within the state.

31 ~~((+9))~~ (10) The remedies available for violations of this
32 section shall be the same, regardless of the injured party's race,
33 sex, color, ethnicity, or national origin, as are otherwise available
34 for violations of Washington antidiscrimination law.

35 ~~((+10))~~ (11) This section shall be self-executing. If any part
36 or parts of this section are found to be in conflict with federal
37 law, the United States Constitution, or the Washington state
38 Constitution, the section shall be implemented to the maximum extent
39 that federal law, the United States Constitution, and the Washington

1 state Constitution permit. Any provision held invalid shall be
2 severable from the remaining portions of this section.

3 NEW SECTION. **Sec. 2.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

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