

SENATE BILL REPORT

SB 5123

As of January 20, 2025

Title: An act relating to expanding protections for certain students to promote inclusivity in public schools.

Brief Description: Expanding protections for certain students to promote inclusivity in public schools.

Sponsors: Senators Nobles, Wilson, C., Hasegawa, Lias, Lovelett, Saldaña, Slatter, Stanford and Valdez.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/21/25.

Brief Summary of Bill

- Adds protected classes to the nondiscrimination provisions that apply to Washington public schools: ethnicity, homelessness, immigration status, and neurodivergence.
- Separates sexual orientation, gender expression, and gender identity into three separate protected classes.
- Provides definitions for these protected classes that apply to public schools.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: State law prohibits discrimination in Washington public schools on the basis of:

- sex;
- race;

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- creed;
- religion;
- color;
- national origin;
- honorably discharged veteran or military status;
- sexual orientation including gender expression or identity;
- the presence of any sensory, mental, or physical disability; or
- the use of a trained dog guide or service animal by a person with a disability.

This prohibition is supplementary to, and does not supersede existing law and procedures, and future amendments thereto relating to unlawful discrimination.

The definitions in the Washington Law Against Discrimination apply to these nondiscrimination provisions, which include definitions for sex, sexual orientation, and disability.

The Superintendent of Public Instruction must develop regulations and guidelines to eliminate discrimination as it applies to public school employment; counseling and guidance services to students; recreational and athletic activities for students; access to course offerings; and in textbooks, instructional materials, and supplemental instructional materials and student access to those materials.

The superintendent must monitor and enforce and obtain compliance with these nondiscrimination provisions and adopted rules.

Any person aggrieved by a violation of these provisions, or aggrieved by the violation of any regulation or guideline, has a right of action in superior court for civil damages and such equitable relief as the court determines.

Summary of Bill: The following protected classes are added to the nondiscrimination provisions that apply to Washington public schools:

- ethnicity;
- homelessness;
- immigration status; and
- neurodivergence.

The protected class of sexual orientation including gender expression or identity is separated into three classes.

Definitions are provided for these protected classes that apply to public schools:

- "ethnicity" means a connection to a population group that shares a common cultural heritage or ancestry.
- "gender expression" means the external appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics, or voice, and which may

or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

- "gender identity" means a person's internal sense of being male, female, both, neither, or in-between, independent of how it is expressed or perceived by others.
- "homelessness" means without a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as set forth in the federal McKinney-Vento Homeless Assistance Act.
- "immigration status" means the actual or perceived legal condition or classification of a person and their parents or guardians if the person is a minor as it relates to their presence and rights to reside in a country that is not their country of citizenship or origin. Immigration status includes, but is not limited to, the statuses of naturalized citizen, permanent resident, visa holder, undocumented, and refugee.
- "neurodivergence" means neurological differences including, but not limited to, autism spectrum disorder, dyslexia, and attention deficit hyperactivity disorder. Neurodivergent individuals may or may not identify as disabled.
- "sexual orientation" means an individual's enduring pattern of romantic, emotional, or sexual attraction to people of the same gender, a different gender, or multiple genders.

Appropriation: None.

Fiscal Note: Requested on January 11, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.