

# SENATE BILL REPORT

## SB 5180

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As of January 21, 2025

**Title:** An act relating to securing the rights of students to have a safe, civil, and respectful learning community that is free of discrimination by ensuring all schools adopt and enforce gender inclusive protections, policies, and procedures.

**Brief Description:** Securing the rights of students to have a safe, civil, and respectful learning community.

**Sponsors:** Senators Wilson, C., Lias, Dhingra, Lovick, Nobles, Orwall, Pedersen, Saldaña, Stanford, Trudeau, Valdez and Wellman.

**Brief History:**

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

**Brief Summary of Bill**

- Specifies certain components that must be included in a model policy and procedure relating to gender inclusive schools.
- Requires school districts to amend if necessary policies and procedures that include these requirements at the next regularly scheduled meeting of each school board.
- Protects school employees from retaliation or adverse action on the basis that the employee supported a student in the exercise of certain rights, performed work activities consistent with the policy and procedures, or used curriculum or instructional materials that address subject matter related to sexual orientation, gender expression, or gender identity.
- Prohibits requiring employees to disclose any information related to a student's sexual orientation, gender expression, or gender identity to any person without the student's consent.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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## SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Ailey Kato (786-7434)

**Background:** Policy and Procedures. In 2020, school districts were required to adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedures developed by the Washington State School Directors' Association (WSSDA) in collaboration with the Office of the Superintendent of Public Instruction (OSPI).

The elements of the model policy and procedure must, at a minimum:

- incorporate OSPI's rules and guidelines to eliminate discrimination in Washington public schools on the basis of gender expression and gender identity;
- address the unique challenges and needs faced by transgender students in public schools; and
- describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying to transgender students.

Employee Protections. A teacher's evaluation may not be negatively impacted if a teacher chooses to use curriculum or instructional materials that address subject matter related to sexual orientation including gender expression or identity so long as the subject matter is age-appropriate and connected to the teacher's content area.

Nondiscrimination Laws. State law prohibits discrimination in Washington public schools on the basis of race, 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.

Charter schools must comply with nondiscrimination laws applicable to school districts and to the same extent as school districts, including state law related to discrimination prohibition, sexual equality, transitional bilingual instruction program, and special education. State-tribal education compact schools must also comply with nondiscrimination laws.

**Summary of Bill:** Policy and Procedures. References to the transgender student policy and procedure are changed to the policy and procedures relating to gender inclusive schools.

The elements of the WSSDA model policy and procedure relating to gender inclusive schools must include the following specific components:

- students have the right to be referred to by their preferred name and pronouns at school;
- students have the right to participate in school-sponsored athletics or activities, or both, in a manner consistent with their gender expression or gender identity;

- students have the right to use the restroom that corresponds to their gender expression or gender identity;
- students have the right to dress in a manner consistent with their gender expression or gender identity within the constraints of the dress codes or uniform established pursuant to the policies established and allowed by state law and within the constraints of school district guidelines for dress as they relate to health and safety issues; and
- personnel employed by or contracted with a school district or educational service district must not disclose any information related to a student's sexual orientation, gender expression, or gender identity to any person without the student's consent.

School districts must develop procedures consistent with OSPI procedures to avoid inadvertent disclosure of student's sexual orientation, gender expression, or gender identity to other students, their parents, educational staff, or other third parties without the student's consent.

At the next regularly scheduled meeting of each school district board of directors, school districts must amend if necessary policies and procedures that meet all these requirements.

Employee Protections. Personnel employed by or contracted with a school district, educational service district, charter school, or state-tribal education compact school must not in any manner retaliate or take adverse action against any employee on the basis that the employee:

- supported a student in the exercise of rights provided under state nondiscrimination laws;
- performed work activities in a manner consistent with the policy and procedures relating to gender inclusive schools; or
- used curriculum or instructional materials that address subject matter related to sexual orientation, gender expression, or gender identity in accordance with state law.

Personnel may not be required to disclose any information related to a student's sexual orientation, gender expression, or gender identity to any person without the student's consent.

Nondiscrimination Laws. Examples of nondiscrimination laws that state-tribal education compact schools must comply with are provided, similar to charter schools.

**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.

**Staff Summary of Public Testimony:** PRO: This bill will make sure that each school upholds its responsibility to guarantee that each student has a safe, inclusive, and welcoming learning environment that is free from discrimination and harassment. Gender expansive students have been a protected class under state law for nearly 20 years. Each of these students deserve the opportunity to thrive just like their peers and to show up at school as their full and authentic self. LGBTQIA youth have a higher risk for suicide and mental health issues. Gender-affirming and inclusive policies protect these vulnerable students. Some school districts are not using the existing model policies claiming that these policies are not clear or well-defined. This bill puts the criteria found in the existing model policy in state statute and will protect children throughout the state. These policies make sure students have a sense of belonging and will lead to their academic success.

CON: Opportunities for girls are being stripped away because the biological dominance that trans women hold is undeniable. Girls simply cannot compete. Men and women are biologically composed differently. Men are naturally stronger and faster. If someone speaks up about this topic, they are labeled as transphobic and bigoted, but this about preserving the rights of women. It is illegal to compel someone to use someone's preferred name and pronouns. This bill will allow any male who says they are female to enter girl restrooms and play girl sports. It eliminates girls' rights to privacy and fairness. This bill is in conflict with new federal guidelines. Kids need time; they don't need surgery. They should not receive dysphoria affirming care at school or mental health facilities.

OTHER: This bill is a great start to protect trans students, but the bill should go further to be more intersectional and inclusive, so no one is left behind.

**Persons Testifying:** PRO: Senator Claire Wilson, Prime Sponsor; Linden Jordan, PFLAG Skagit; Samantha Fogg, Seattle Council PTSA Co-President; Sara Betnel, Shoreline School Board; Asher Robertsonmeyer, Middle School student; Alex [withheld for privacy], High school student; Taylor Farley, Queer Power Alliance.

CON: Sharon Damoff; Jennifer Heine-Withee; Christian Nelson; Drees Cushman, Middle school student; Joy Cushman, High school student; Gabriel Jacobs.

OTHER: Lisa Keating, WA State LGBTQ Commission; Oliver Miska, Lavender Rights Project; Bryanna Jenkins, Lavender Rights Project.

**Persons Signed In To Testify But Not Testifying:** PRO: Felicia Walker; Amy Cannava, Washington State Association of School Psychologists; Nasue Nishida, Washington Education Association; Bebeth Steudel; Cade Schmidt; Danni Askini, Gender Justice League; Rebekah Gardea, QLaw Foundation of Washington ; Emily Carmichael; Carrie Suchy, NCSP, Washington State Association of School Psychologists; Roxana Gomez, Legal Counsel for Youth and Children; Alexis Janson.

CON: Khushdip Brar; Agata Bergstrom; Trish Huddleston, School Board Director; Dawn Land; Sarah Garriott; Abigail Hornshuh; Justine Kreher; Diane Dondero, Grandparents.