

**ESSB 5967** - H COMM AMD

By Committee on Judiciary

ADOPTED 4/08/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3

4 "NEW SECTION. **Sec. 1.** The legislature finds and declares:

5 On June 23, 1972, President Richard Nixon signed into law Title IX  
6 of the Education Amendments of 1972 to the 1964 Civil Rights Act.  
7 This landmark legislation provides that: "No person in the United  
8 States shall, on the basis of sex, be excluded from participation in,  
9 be denied the benefits of, or be subjected to discrimination under any  
10 education program or activity receiving Federal financial  
11 assistance...." Title IX has expanded opportunities for males as well  
12 as females in educational programs and activities, including ensuring  
13 access to athletic opportunities for girls and women in educational  
14 institutions and to male and female staff to coaching and athletics  
15 administrative positions in educational institutions. The dramatic  
16 increases in participation rates at both the high school and college  
17 levels since Title IX was passed show that when doors are opened to  
18 women and girls, they will participate.

19 Further, ensuring equality in the state of Washington, the  
20 legislature passed an amendment to the state Constitution, ratified by  
21 the voters in November 1972, providing "Equality of rights and  
22 responsibilities under the law shall not be denied or abridged on  
23 account of sex." In 1975, Washington continued to be at the forefront  
24 of this issue by adopting legislation that established our own  
25 statutory version of the federal Title IX law that prohibited  
26 "inequality in the educational opportunities afforded women and girls  
27 at all levels of the public schools in Washington state."

1 Athletic opportunities provide innumerable benefits to  
2 participants, including greater academic success, better physical and  
3 psychological health, responsible social behaviors, and enhanced  
4 interpersonal skills. Athletic scholarships make it possible for some  
5 young people to attend college. The Washington state legislature,  
6 recognizing the importance of full participation in athletics, has  
7 passed numerous bills directed at achieving equity and eliminating  
8 discrimination in intercollegiate athletics in the state's  
9 institutions of higher education.

10 Despite advances in educational settings and efforts by some local  
11 agencies to expand opportunities in community athletics programs,  
12 discrimination still exists that limits these opportunities. It is  
13 the intent of the legislature to expand and support equal  
14 participation in athletics programs, and provide all sports programs  
15 equal access to facilities administered by cities, towns, counties,  
16 metropolitan park districts, park and recreation service areas, or  
17 park and recreation districts.

18 Nothing in this act is intended to affect the holding in the  
19 Washington state supreme court's ruling in *Darrin v. Gould*, 85 Wn.2d  
20 859, 540 P.2d 882 (1975) and its progeny that held it is not  
21 acceptable to discriminate in contact sports on the basis of sex.

22  
23 NEW SECTION. **Sec. 2.** (1) No city, town, county, or district may  
24 discriminate against any person on the basis of sex in the operation,  
25 conduct, or administration of community athletics programs for youth  
26 or adults. A third party receiving a lease or permit from a city,  
27 town, county, district, or a school district, for a community  
28 athletics program also may not discriminate against any person on the  
29 basis of sex in the operation, conduct, or administration of community  
30 athletics programs for youth or adults.

31 (2) The definitions in this subsection apply throughout this  
32 section.

33 (a) "Community athletics program" means any athletic program that  
34 is organized for the purposes of training for and engaging in athletic

1 activity and competition and that is in any way operated, conducted,  
2 administered, or supported by a city, town, county, district, or  
3 school district other than those offered by the school and created  
4 solely for the students by the school.

5 (b) "District" means any metropolitan park district, park and  
6 recreation service area, or park and recreation district.

7  
8 NEW SECTION. **Sec. 3.** (1) By January 1, 2010, each city, town,  
9 county, or district operating a community athletics program or issuing  
10 permission to a third party for the operation of such program on its  
11 facilities shall adopt a policy that specifically prohibits  
12 discrimination against any person on the basis of sex in the  
13 operation, conduct, or administration of community athletics programs  
14 for youth or adults.

15 (2) It is the responsibility of each city, town, county, or  
16 district operating a community athletics program or issuing permission  
17 to a third party for the operation of such program on its facilities  
18 to publish and disseminate this policy. At a minimum, the  
19 nondiscrimination policy should be included in any publication that  
20 includes information about the entity's own athletics programs, or  
21 about obtaining a permit for operating athletics programs and on the  
22 appropriate city, town, county, or district web site.

23 (3) School districts issuing permission to a third party for the  
24 operation of a community athletics program on its facilities shall  
25 also follow the provisions of this section but may modify and use  
26 existing school district policies and procedures to the extent that is  
27 possible. Nothing in this section may be construed to require school  
28 districts to monitor compliance, investigate complaints, or otherwise  
29 enforce school district policies as to third parties using school  
30 district facilities.

31 (4) Every city, town, county, or district covered by this section  
32 should also publish the name, office address, and office telephone  
33 number of the employee or employees responsible for its efforts to  
34 comply with and carry out its responsibilities under this act.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 35.21 RCW  
2 to read as follows:

3        The antidiscrimination provisions of section 2 of this act apply  
4 to community athletics programs and facilities operated, conducted, or  
5 administered by a city or town.

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7        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 35.61 RCW  
8 to read as follows:

9        The antidiscrimination provisions of section 2 of this act apply  
10 to community athletics programs and facilities operated, conducted, or  
11 administered by a metropolitan park district.

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13        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 35A.21  
14 RCW to read as follows:

15        The antidiscrimination provisions of section 2 of this act apply  
16 to community athletics programs and facilities operated, conducted, or  
17 administered by a code city.

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19        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 36.01 RCW  
20 to read as follows:

21        The antidiscrimination provisions of section 2 of this act apply  
22 to community athletics programs and facilities operated, conducted, or  
23 administered by a county.

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25        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 36.68 RCW  
26 to read as follows:

27        The antidiscrimination provisions of section 2 of this act apply  
28 to community athletics programs and facilities operated, conducted, or  
29 administered by a park and recreation service area.

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31        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 36.69 RCW  
32 to read as follows:

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1 The antidiscrimination provisions of section 2 of this act apply  
2 to community athletics programs and facilities operated, conducted, or  
3 administered by a park and recreation district.

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5 NEW SECTION. **Sec. 10.** Sections 2 and 3 of this act are each  
6 added to chapter 49.60 RCW."

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8 Correct the title.

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**EFFECT:** Makes technical and clarifying amendments to correct  
internal references and use consistent language.

Standard language on the application of the bill's anti-  
discrimination provision is added to chapter 36.01 RCW, which is  
the chapter that contains general provisions applicable to  
counties. [The underlying bill adds this standard language to  
general chapters governing cities and towns, code cities,  
metropolitan park districts, park and recreation service areas,  
and park and recreation districts.]

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