
SUBSTITUTE HOUSE BILL 3026

State of Washington

61st Legislature

2010 Regular Session

By House Education (originally sponsored by Representatives Santos, Quall, Chase, Upthegrove, Kenney, Hunt, Nelson, Lias, McCoy, Hudgins, Simpson, and Darneille)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to school districts' compliance with state and
2 federal civil rights laws; and adding a new chapter to Title 28A RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that in 1975
5 legislation was adopted, codified as chapter 28A.640 RCW, recognizing
6 the deleterious effect of discrimination on the basis of sex,
7 specifically prohibiting such discrimination in Washington public
8 schools, and requiring the office of the superintendent of public
9 instruction to monitor and enforce compliance. The legislature further
10 finds that, while numerous state and federal laws prohibit
11 discrimination on other bases in addition to sex, the common school
12 provisions in Title 28A RCW do not include specific acknowledgment of
13 the right to be free from discrimination because of race, creed, color,
14 national origin, honorably discharged veteran or military status,
15 sexual orientation, the presence of any sensory, mental, or physical
16 disability, or the use of a trained dog guide or service animal by a
17 person with a disability, nor do any common school provisions
18 specifically direct the office of the superintendent of public
19 instruction to monitor and enforce compliance with these laws.

1 Finally, the legislature finds that one of the recommendations made to
2 the legislature by the achievement gap oversight and accountability
3 committee created in chapter 468, Laws of 2009, was that the office of
4 the superintendent of public instruction should be specifically
5 authorized to take affirmative steps to ensure that school districts
6 comply with all state and federal civil rights laws, similar to what
7 has already been authorized in chapter 28A.640 RCW with respect to
8 discrimination on the basis of sex.

9 NEW SECTION. **Sec. 2.** Discrimination in Washington public schools
10 on the basis of race, creed, color, national origin, honorably
11 discharged veteran or military status, sexual orientation including
12 gender expression or identity, the presence of any sensory, mental, or
13 physical disability, or the use of a trained dog guide or service
14 animal by a person with a disability is prohibited. The definitions
15 given these terms in chapter 49.60 RCW apply throughout this chapter
16 unless the context clearly requires otherwise.

17 NEW SECTION. **Sec. 3.** The superintendent of public instruction
18 shall develop rules and guidelines to eliminate discrimination
19 prohibited in section 2 of this act as it applies to public school
20 employment, counseling and guidance services to students, recreational
21 and athletic activities for students, access to course offerings, and
22 in textbooks and instructional materials used by students.

23 NEW SECTION. **Sec. 4.** The office of the superintendent of public
24 instruction shall monitor local school districts' compliance with this
25 chapter, and shall establish a compliance timetable, rules, and
26 guidelines for enforcement of this chapter.

27 NEW SECTION. **Sec. 5.** Any person aggrieved by a violation of this
28 chapter, or aggrieved by the violation of any rule or guideline adopted
29 under this chapter, has a right of action in superior court for civil
30 damages and such equitable relief as the court determines.

31 NEW SECTION. **Sec. 6.** The superintendent of public instruction has
32 the power to enforce and obtain compliance with the provisions of this
33 chapter and other state and federal laws prohibiting discrimination,

1 including chapter 49.60 RCW, Title VI of the civil rights act of 1964,
2 as amended (42 U.S.C. Secs. 2000d et seq.), Title IX of the education
3 amendments of 1972, as amended (20 U.S.C. Secs. 1681 et seq.), section
4 504 of the rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794),
5 the age discrimination act of 1975, as amended (42 U.S.C. Secs. 6101 et
6 seq.), and if applicable, the boy scouts of America equal access act of
7 2001 (20 U.S.C. Sec. 7905), and the rules and regulations adopted under
8 these laws, by appropriate order made pursuant to chapter 34.05 RCW.
9 The order may include, but is not limited to, termination of all or
10 part of federal financial assistance or state apportionment or
11 categorical moneys to the offending school district, termination of
12 specified programs in which violations may be flagrant within the
13 offending school district, institution of corrective action, and the
14 placement of the offending school district on probation with
15 appropriate sanctions until compliance is achieved.

16 NEW SECTION. **Sec. 7.** This chapter is supplementary to, and does
17 not supersede, existing law and procedures and future amendments to
18 those laws and procedures relating to unlawful discrimination.

19 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
20 a new chapter in Title 28A RCW.

--- END ---