

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2153

Chapter 213, Laws of 1994

53rd Legislature
1994 Regular Session

SCHOOL DISTRICT SEXUAL HARASSMENT POLICY CRITERIA

EFFECTIVE DATE: 6/9/94

Passed by the House March 6, 1994
Yeas 81 Nays 7

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1994
Yeas 31 Nays 17

JOEL PRITCHARD

President of the Senate

Approved April 1, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2153** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

April 1, 1994 - 10:08 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2153

AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Education (originally sponsored by Representatives J. Kohl, Foreman, Thibaudeau, Ballasiotes, L. Johnson, Cooke, Valle, R. Johnson, Ogden, H. Myers, Heavey, Cothorn, Appelwick, Anderson, Roland, Forner, Campbell, Kremen, Pruitt, Johanson, Kessler, Holm, King, Wineberry, Basich, Romero, Springer and Leonard)

Read first time 02/04/94.

1 AN ACT Relating to school district sexual harassment policy
2 criteria; and amending RCW 28A.640.020.

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

4 **Sec. 1.** RCW 28A.640.020 and 1975 1st ex.s. c 226 s 2 are each
5 amended to read as follows:

6 (1) The superintendent of public instruction shall develop
7 regulations and guidelines to eliminate sex discrimination as it
8 applies to public school employment, counseling and guidance services
9 to students, recreational and athletic activities for students, access
10 to course offerings, and in textbooks and instructional materials used
11 by students.

12 ~~((1))~~ (a) Specifically with respect to public school employment,
13 all schools shall be required to:

14 ~~((a))~~ (i) Maintain credential requirements for all personnel
15 without regard to sex;

16 ~~((b))~~ (ii) Make no differentiation in pay scale on the basis of
17 sex;

18 ~~((c))~~ (iii) Assign school duties without regard to sex except
19 where such assignment would involve duty in areas or situations, such

1 as but not limited to a shower room, where persons might be
2 disrobed(~~(-)~~);

3 ~~((d))~~ (iv) Provide the same opportunities for advancement to
4 males and females; and

5 ~~((e))~~ (v) Make no difference in conditions of employment
6 including, but not limited to, hiring practices, leaves of absence,
7 hours of employment, and assignment of, or pay for, instructional and
8 noninstructional duties, on the basis of sex.

9 ~~((2))~~ (b) Specifically with respect to counseling and guidance
10 services for students, they shall be made available to all students
11 equally. All certificated personnel shall be required to stress access
12 to all career and vocational opportunities to students without regard
13 to sex.

14 ~~((3))~~ (c) Specifically with respect to recreational and athletic
15 activities, they shall be offered to all students without regard to
16 sex. Schools may provide separate teams for each sex. Schools which
17 provide the following shall do so with no disparities based on sex:
18 Equipment and supplies; medical care; services and insurance;
19 transportation and per diem allowances; opportunities to receive
20 coaching and instruction; laundry services; assignment of game
21 officials; opportunities for competition, publicity and awards;
22 scheduling of games and practice times including use of courts, gyms,
23 and pools: PROVIDED, That such scheduling of games and practice times
24 shall be determined by local administrative authorities after
25 consideration of the public and student interest in attending and
26 participating in various recreational and athletic activities. Each
27 school which provides showers, toilets, or training room facilities for
28 athletic purposes shall provide comparable facilities for both sexes.
29 Such facilities may be provided either as separate facilities or shall
30 be scheduled and used separately by each sex.

31 The superintendent of public instruction shall also be required to
32 develop a student survey to distribute every three years to each local
33 school district in the state to determine student interest for
34 male/female participation in specific sports.

35 ~~((4))~~ (d) Specifically with respect to course offerings, all
36 classes shall be required to be available to all students without
37 regard to sex: PROVIDED, That separation is permitted within any class
38 during sessions on sex education or gym classes.

1 (~~(5)~~) (e) Specifically with respect to textbooks and
2 instructional materials, which shall also include, but not be limited
3 to, reference books and audio-visual materials, they shall be required
4 to adhere to the guidelines developed by the superintendent of public
5 instruction to implement the intent of this chapter: PROVIDED, That
6 this subsection shall not be construed to prohibit the introduction of
7 material deemed appropriate by the instructor for educational purposes.

8 (2)(a) By December 31, 1994, the superintendent of public
9 instruction shall develop criteria for use by school districts in
10 developing sexual harassment policies as required under (b) of this
11 subsection. The criteria shall address the subjects of grievance
12 procedures, remedies to victims of sexual harassment, disciplinary
13 actions against violators of the policy, and other subjects at the
14 discretion of the superintendent of public instruction. Disciplinary
15 actions must conform with collective bargaining agreements and state
16 and federal laws. The superintendent of public instruction also shall
17 supply sample policies to school districts upon request.

18 (b) By June 30, 1995, every school district shall adopt and
19 implement a written policy concerning sexual harassment. The policy
20 shall apply to all school district employees, volunteers, parents, and
21 students, including, but not limited to, conduct between students.

22 (c) School district policies on sexual harassment shall be reviewed
23 by the superintendent of public instruction considering the criteria
24 established under (a) of this subsection as part of the monitoring
25 process established in RCW 28A.640.030.

26 (d) The school district's sexual harassment policy shall be
27 conspicuously posted throughout each school building, and provided to
28 each employee. A copy of the policy shall appear in any publication of
29 the school or school district setting forth the rules, regulations,
30 procedures, and standards of conduct for the school or school district.

31 (e) Each school shall develop a process for discussing the
32 district's sexual harassment policy. The process shall ensure the
33 discussion addresses the definition of sexual harassment and issues
34 covered in the sexual harassment policy.

35 (f) "Sexual harassment" as used in this section means unwelcome
36 sexual advances, requests for sexual favors, sexually motivated
37 physical contact, or other verbal or physical conduct or communication
38 of a sexual nature if:

1 (i) Submission to that conduct or communication is made a term or
2 condition, either explicitly or implicitly, of obtaining an education
3 or employment;
4 (ii) Submission to or rejection of that conduct or communication by
5 an individual is used as a factor in decisions affecting that
6 individual's education or employment; or
7 (iii) That conduct or communication has the purpose or effect of
8 substantially interfering with an individual's educational or work
9 performance, or of creating an intimidating, hostile, or offensive
10 educational or work environment.

Passed the House March 6, 1994.

Passed the Senate March 3, 1994.

Approved by the Governor April 1, 1994.

Filed in Office of Secretary of State April 1, 1994.