
SENATE BILL 5916

State of Washington 54th Legislature 1995 Regular Session

By Senators McAuliffe, Kohl and Pelz

Read first time 02/14/95. Referred to Committee on Education.

1 AN ACT Relating to racial equality in school districts; and adding
2 a new chapter to Title 28A RCW.

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

4 NEW SECTION. **Sec. 1.** Discrimination exists in the educational
5 opportunities afforded to students based on race, color, and national
6 origin at all levels of the public school in Washington state. This
7 inequality is a breach of Article XXXI, section 1, Amendment 61, of the
8 Washington state Constitution, which requires equal treatment of all
9 citizens regardless of race, color, or national origin. This violation
10 of rights has had a deleterious effect on the individuals affected and
11 on society.

12 Recognizing the benefit to our state and nation of equal
13 educational opportunities for all students, it is the intent of this
14 act to strengthen state law to prohibit discrimination on the basis of
15 race, color, or national origin for any student in grades K-12 of the
16 Washington public schools.

17 NEW SECTION. **Sec. 2.** The superintendent of public instruction
18 shall develop rules and guidelines to eliminate race, color, or

1 national origin discrimination as it applies to public school
2 employment, counseling and guidance services to students, access to
3 course offerings, textbooks and instructional materials used by
4 students, and racial harassment policy.

5 (1) Counseling and guidance services for students must be made
6 available to all students equally. All certificated personnel shall be
7 required to stress access to all career and vocational opportunities to
8 students without regard to race, color, or national origin.

9 (2) The superintendent of public instruction shall develop an
10 equity self-evaluation survey to distribute every three years to each
11 local school district in the state to determine equitable placement and
12 opportunity.

13 (3) All classes must be available to all students without regard to
14 race, color, or national origin.

15 (4) Textbooks and instructional materials, which include, but are
16 limited to, reference books and audio-visual materials, must adhere to
17 the guidelines developed by the superintendent of public instruction to
18 implement the intent of this chapter. This subsection shall not be
19 construed to prohibit the introduction of material deemed appropriate
20 by the instructor for educational purposes.

21 (5)(a) By December 31, 1995, the superintendent of public
22 instruction shall develop criteria for use by school districts in
23 developing racial harassment policies. The criteria must address the
24 subjects of grievance procedures, remedies to victims of racial
25 harassment, disciplinary actions against violators of the policy, and
26 other subjects at the discretion of the superintendent of public
27 instruction. Disciplinary actions must conform with collective
28 bargaining agreements and state and federal laws. The superintendent
29 of public instruction shall supply sample policies to school districts
30 upon request.

31 (b) By June 30, 1996, every school district shall adopt and
32 implement a written policy concerning racial harassment. The policy
33 shall apply to all school district employees, volunteers, parents, and
34 students, including, but not limited to, conduct between students.

35 (c) School district policies on racial harassment shall be reviewed
36 by the superintendent of public instruction considering the criteria
37 established under (a) of this subsection as part of the monitoring
38 process.

1 (d) The school district's racial harassment policy must be
2 conspicuously posted throughout each school building and provided to
3 each employee. A copy of the policy must appear in any publication of
4 the school or school district setting forth the rules, regulations,
5 procedures, and standards of conduct for the school or school district.

6 (e) Each school shall develop a process for discussing the
7 district's racial harassment policy. The process must ensure the
8 discussion addresses the definition of racial harassment and issues
9 covered in the racial harassment policy.

10 (6) "Racial harassment" as used in this section means an agent or
11 employee, acting within the scope of his or her official duties, has
12 treated a student differently on the basis of race, color, or national
13 origin in the context of an educational program or activity without a
14 legitimate, nondiscriminatory reason so as to interfere with or limit
15 the ability of the student to participate in or benefit from the
16 services, activities, or privileges provided by the school or school
17 district.

18 NEW SECTION. **Sec. 3.** The office of the superintendent of public
19 instruction shall monitor the compliance by local school districts with
20 this chapter, shall establish a compliance timetable and rules for
21 enforcement of this chapter, and shall establish guidelines for
22 affirmative action programs to be adopted by all school districts.

23 NEW SECTION. **Sec. 4.** Any person aggrieved by a violation of this
24 chapter or aggrieved by the violation of any rules or guidance adopted
25 under this chapter shall have a right of action in superior court for
26 civil damages and such equitable relief as the court shall determine.

27 NEW SECTION. **Sec. 5.** The superintendent of public instruction
28 shall have the power to enforce and obtain compliance with the
29 provisions of this chapter and the rules and guidelines adopted under
30 this chapter by appropriate order made pursuant to chapter 34.05 RCW.
31 The order, by way of illustration, may include the termination of all
32 or part of state apportionment or categorical moneys to the offending
33 school district, the termination of specified programs in which
34 violations may be flagrant within the offending school district, the
35 institution of a mandatory affirmative action program within the
36 offending school district, and the placement of the offending school

1 district on probation with appropriate sanctions until compliance is
2 achieved.

3 NEW SECTION. **Sec. 6.** This chapter shall be supplementary to, and
4 shall not supersede, existing law and procedures and future amendments
5 thereto relating to unlawful discrimination based on race, color, or
6 national origin.

7 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act shall
8 constitute a new chapter in Title 28A RCW.

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