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SENATE BILL 6058

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Regala and Prentice

Read first time 01/10/12. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to single-sex classes; and amending RCW  
2 28A.640.020.

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

4 **Sec. 1.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to  
5 read as follows:

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

12 ~~((+a))~~ (2) Specifically with respect to public school employment,  
13 all schools shall be required to:

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

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

18 ~~((+iii))~~ (c) Assign school duties without regard to sex except

1 where such assignment would involve duty in areas or situations, such  
2 as but not limited to a shower room, where persons might be disrobed;

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

5 ~~((v))~~ (e) 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 ~~((b))~~ (3) 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 ~~((e))~~ (4)(a) Specifically with respect to recreational and  
15 athletic activities, they shall be offered to all students without  
16 regard to sex. Schools may provide separate teams for each sex.  
17 Schools which provide the following shall do so with no disparities  
18 based on sex: Equipment and supplies; medical care; services and  
19 insurance; transportation and per diem allowances; opportunities to  
20 receive 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 (b) The superintendent of public instruction shall also be required  
32 to develop a student survey to distribute every three years to each  
33 local school district in the state to determine student interest for  
34 male/female participation in specific sports.

35 ~~((d))~~ (5) 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

1 during sessions on sex education ((e)), gym classes, or as provided in  
2 subsection (6) of this section.

3 ((e)) (6)(a) Specifically with regard to single-sex classes, each  
4 single-sex class may be provided if the school gives notice to the  
5 office of the superintendent of public instruction before offering the  
6 single-sex class and:

7 (i) Each single-sex class is based on the school's important  
8 objective of:

9 (A) Improving educational achievement of its students, through a  
10 school's overall established policy to provide diverse educational  
11 opportunities, if the single-sex nature of the class is substantially  
12 related to achieving that objective; or

13 (B) Meeting the particular, identified educational needs of its  
14 students, if the single-sex nature of the class is substantially  
15 related to achieving that objective;

16 (ii) The school implements its objective in an even-handed manner;

17 (iii) Student enrollment in a single-sex class is completely  
18 voluntary; and

19 (iv) The school provides to all other students, including students  
20 of the excluded sex, a substantially equal coeducational class in the  
21 same subject or activity.

22 (b)(i) A school that provides a single-sex class, in order to  
23 comply with (a)(ii) of this subsection, must provide a substantially  
24 equal single-sex class for students of the excluded sex.

25 (ii) Factors to be considered in determining whether classes are  
26 substantially equal include, but are not limited to: The policies and  
27 criteria of admission; the educational benefits provided, including the  
28 quality, range, and content of curriculum and other services; the  
29 quality and availability of books, instructional materials, and  
30 technology; the qualifications of faculty and staff; geographic  
31 accessibility; the quality, accessibility, and availability of  
32 facilities and resources provided to the class; and intangible  
33 features, such as reputation of faculty.

34 (c) The school must conduct periodic evaluations at least every two  
35 years to ensure that single-sex classes are based upon genuine  
36 justifications and do not rely on overly broad generalizations about  
37 the different talents, capacities, or preferences of either sex and  
38 that any single-sex classes are substantially related to the

1 achievement of the important objective for the classes. The  
2 evaluations must be presented to the school board at a regularly  
3 scheduled school board meeting.

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

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

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

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

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

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

1       (~~(f)~~) (9) "Sexual harassment" as used in this section means  
2       unwelcome sexual advances, requests for sexual favors, sexually  
3       motivated physical contact, or other verbal or physical conduct or  
4       communication of a sexual nature if:

5       (~~(i)~~) (a) Submission to that conduct or communication is made a  
6       term or condition, either explicitly or implicitly, of obtaining an  
7       education or employment;

8       (~~(ii)~~) (b) Submission to or rejection of that conduct or  
9       communication by an individual is used as a factor in decisions  
10      affecting that individual's education or employment; or

11      (~~(iii)~~) (c) That conduct or communication has the purpose or  
12      effect of substantially interfering with an individual's educational or  
13      work performance, or of creating an intimidating, hostile, or offensive  
14      educational or work environment.

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