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HOUSE BILL 1556

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Chase and Klippert

Read first time 03/18/21. Referred to Committee on Education.

1 AN ACT Relating to equitable competition between students who  
2 participate in school athletic activities; amending RCW 28A.600.200  
3 and 28A.640.020; and adding a new section to chapter 28A.600 RCW.

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

5 **Sec. 1.** RCW 28A.600.200 and 2012 c 155 s 2 are each amended to  
6 read as follows:

7 Each school district board of directors is hereby granted and  
8 shall, subject to the requirements of this section and section 2 of  
9 this act, exercise the authority to control, supervise and regulate  
10 the conduct of interschool athletic activities and other interschool  
11 extracurricular activities of an athletic, cultural, social or  
12 recreational nature for students of the district. A board of  
13 directors may delegate control, supervision and regulation of any  
14 such activity to the Washington interscholastic activities  
15 association or any other voluntary nonprofit entity and compensate  
16 such entity for services provided, subject to the following  
17 conditions:

18 (1) The voluntary nonprofit entity shall not discriminate in  
19 connection with employment or membership upon its governing board, or  
20 otherwise in connection with any function it performs, on the basis  
21 of race, creed, national origin, sex or marital status((~~+~~)).

1 (2) (a) Any rules and policies adopted and applied by the  
2 voluntary nonprofit entity that governs student participation in any  
3 interschool activity shall be written; and

4 (b) Such rules and policies shall provide for notice of the  
5 reasons and a fair opportunity to contest such reasons prior to a  
6 final determination to reject a student's request to participate in  
7 or to continue in an interschool activity.

8 (3) (a) The association or other voluntary nonprofit entity is  
9 authorized to impose penalties for rules violations upon coaches,  
10 school district administrators, school administrators, and students,  
11 as appropriate, to punish the offending party or parties;

12 (b) No penalty may be imposed on a student or students unless the  
13 student or students knowingly violated the rules or unless a student  
14 gained a significant competitive advantage or materially  
15 disadvantaged another student through a rule violation;

16 (c) Any penalty that is imposed for rules violations must be  
17 proportional to the offense;

18 (d) Any decision resulting in a penalty shall be considered a  
19 decision of the school district conducting the activity in which the  
20 student seeks to participate or was participating and may be appealed  
21 pursuant to RCW 28A.600.205 and 28A.645.010 through 28A.645.030.

22 (4) The school districts, Washington interscholastic activities  
23 association districts, and leagues that participate in the  
24 interschool extracurricular activities shall not impose more severe  
25 penalties for rule violations than can be imposed by the rules of the  
26 association or the voluntary nonprofit entity.

27 (5) As used in this section and RCW 28A.600.205, "knowingly"  
28 means having actual knowledge of or acting with deliberate ignorance  
29 or reckless disregard for the prohibition involved.

30 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600  
31 RCW to read as follows:

32 (1) Rules and policies adopted in accordance with RCW 28A.600.200  
33 by a school district board of directors or a voluntary nonprofit  
34 entity must:

35 (a) Require students to provide birth certificates as a  
36 prerequisite for determining eligibility for athletic activities with  
37 separate classifications for male and female students; and

1 (b) Prohibit male students from competing with and against female  
2 students in athletic activities with separate classifications for  
3 male and female students if the athletic activity is:

4 (i) Intended for female students; and

5 (ii) An individual competition sport.

6 (2) For the purposes of this section, "male students" means  
7 students whose sex assigned at birth, as evidenced by the student's  
8 birth certificate, was male.

9 **Sec. 3.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to  
10 read as follows:

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

17 (a) Specifically with respect to public school employment, all  
18 schools shall be required to:

19 (i) Maintain credential requirements for all personnel without  
20 regard to sex;

21 (ii) Make no differentiation in pay scale on the basis of sex;

22 (iii) Assign school duties without regard to sex except where  
23 such assignment would involve duty in areas or situations, such as  
24 but not limited to a shower room, where persons might be disrobed;

25 (iv) Provide the same opportunities for advancement to males and  
26 females; and

27 (v) Make no difference in conditions of employment including, but  
28 not limited to, hiring practices, leaves of absence, hours of  
29 employment, and assignment of, or pay for, instructional and  
30 noninstructional duties, on the basis of sex.

31 (b) Specifically with respect to counseling and guidance services  
32 for students, they shall be made available to all students equally.  
33 All certificated personnel shall be required to stress access to all  
34 career and vocational opportunities to students without regard to  
35 sex.

36 (c) Specifically with respect to recreational and athletic  
37 activities, they shall be offered to all students without regard to  
38 sex, subject to the requirements of RCW 28A.600.200 and section 2 of  
39 this act. Schools may provide separate teams for each sex. Schools

1 which provide the following shall do so with no disparities based on  
2 sex: Equipment and supplies; medical care; services and insurance;  
3 transportation and per diem allowances; opportunities to receive  
4 coaching and instruction; laundry services; assignment of game  
5 officials; opportunities for competition, publicity and awards;  
6 scheduling of games and practice times including use of courts, gyms,  
7 and pools: PROVIDED, That such scheduling of games and practice times  
8 shall be determined by local administrative authorities after  
9 consideration of the public and student interest in attending and  
10 participating in various recreational and athletic activities. Each  
11 school which provides showers, toilets, or training room facilities  
12 for athletic purposes shall provide comparable facilities for both  
13 sexes. Such facilities may be provided either as separate facilities  
14 or shall be scheduled and used separately by each sex.

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

19 (d) Specifically with respect to course offerings, all classes  
20 shall be required to be available to all students without regard to  
21 sex: PROVIDED, That separation is permitted within any class during  
22 sessions on sex education or gym classes.

23 (e) Specifically with respect to textbooks and instructional  
24 materials, which shall also include, but not be limited to, reference  
25 books and audiovisual materials, they shall be required to adhere to  
26 the guidelines developed by the superintendent of public instruction  
27 to implement the intent of this chapter: PROVIDED, That this  
28 subsection shall not be construed to prohibit the introduction of  
29 material deemed appropriate by the instructor for educational  
30 purposes.

31 (2) (a) By December 31, 1994, the superintendent of public  
32 instruction shall develop criteria for use by school districts in  
33 developing sexual harassment policies as required under (b) of this  
34 subsection. The criteria shall address the subjects of grievance  
35 procedures, remedies to victims of sexual harassment, disciplinary  
36 actions against violators of the policy, and other subjects at the  
37 discretion of the superintendent of public instruction. Disciplinary  
38 actions must conform with collective bargaining agreements and state  
39 and federal laws. The superintendent of public instruction also shall  
40 supply sample policies to school districts upon request.

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

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

10 (d) The school district's sexual harassment policy shall be  
11 conspicuously posted throughout each school building, and provided to  
12 each employee. A copy of the policy shall appear in any publication  
13 of the school or school district setting forth the rules,  
14 regulations, procedures, and standards of conduct for the school or  
15 school district.

16 (e) Each school shall develop a process for discussing the  
17 district's sexual harassment policy. The process shall ensure the  
18 discussion addresses the definition of sexual harassment and issues  
19 covered in the sexual harassment policy.

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

24 (i) Submission to that conduct or communication is made a term or  
25 condition, either explicitly or implicitly, of obtaining an education  
26 or employment;

27 (ii) Submission to or rejection of that conduct or communication  
28 by an individual is used as a factor in decisions affecting that  
29 individual's education or employment; or

30 (iii) That conduct or communication has the purpose or effect of  
31 substantially interfering with an individual's educational or work  
32 performance, or of creating an intimidating, hostile, or offensive  
33 educational or work environment.

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