

2 EHB 2304 - s amd - 546  
3 By Senator Thibaudeau

4 WITHDRAWN 5/19/99

5 On page 2, line 3, after "students" insert ", including but not  
6 limited to antiharassment training for staff and students under  
7 sections 3 and 5 of this act and RCW 28A.640.020"

8 On page 2, after line 20, insert the following:

9 "NEW SECTION. Sec. 3. The legislature recognizes that families  
10 and educators alike want schools to be institutions where learning can  
11 occur. The legislature also recognizes that learning cannot take place  
12 without a certain level of physical and emotional safety and that  
13 parents want and need to be able to send their children to school  
14 without concern over the physical and emotional safety of their  
15 children. The legislature finds that policies to ensure students'  
16 freedom from sexual and malicious harassment and even the existence of  
17 such policies vary from one Washington state public school district to  
18 the next. Whereas sexual and other malicious harassment are  
19 particularly pernicious threats to school safety, the legislature  
20 intends to require that public school districts establish, publicize  
21 and enforce policies prohibiting and punishing such behavior. It is  
22 also the intent of the legislature to ensure that all school personnel  
23 and students understand the importance of and the procedures for  
24 maintaining a safe learning environment and for enforcing their school  
25 districts' sexual and malicious harassment policies.

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

28 (1) The superintendent of public instruction shall develop  
29 regulations and guidelines to eliminate sex discrimination as it  
30 applies to public school employment, counseling and guidance services  
31 to students, recreational and athletic activities for students, access  
32 to course offerings, and in textbooks and instructional materials used  
33 by students.

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

3 (i) Maintain credential requirements for all personnel without  
4 regard to sex;

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

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

9 (iv) Provide the same opportunities for advancement to males and  
10 females; and

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

15 (b) Specifically with respect to counseling and guidance services  
16 for students, they shall be made available to all students equally.  
17 All certificated personnel shall be required to stress access to all  
18 career and vocational opportunities to students without regard to sex.

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

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

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

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

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

23 (b) (~~By June 30, 1995,~~) Every school district shall adopt and  
24 implement ((a)) written ((policy)) policies concerning sexual  
25 harassment and malicious harassment. The ((policy)) policies shall  
26 apply to all school district employees, volunteers, parents, and  
27 students, including, but not limited to, conduct between students.

28 (c) School district policies on sexual harassment and malicious  
29 harassment shall be reviewed by the superintendent of public  
30 instruction considering the criteria established under (a) of this  
31 subsection as part of the monitoring process established in RCW  
32 28A.640.030.

33 (d) The school district's sexual harassment ((policy)) and  
34 malicious harassment policies shall be conspicuously posted throughout  
35 each school building, and provided to each employee. A copy of the  
36 ((policy)) policies shall appear in any publication of the school or  
37 school district setting forth the rules, regulations, procedures, and  
38 standards of conduct for the school or school district.

1 (e)(i) Each school shall develop a process for discussing the  
2 district's sexual harassment (~~policy~~) and malicious harassment  
3 policies with students. The process shall ensure the discussion  
4 addresses the definition of sexual harassment and malicious harassment  
5 and issues covered in the sexual harassment (~~policy~~) and malicious  
6 harassment policies.

7 (ii) Each school district shall provide to employees and volunteers  
8 who have significant contact with students training on the school  
9 district's sexual harassment and malicious harassment policies in  
10 accordance with the guidelines adopted by the superintendent of public  
11 instruction under section 5(2) of this act.

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

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

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

22 (iii) That conduct or communication has the purpose or effect of  
23 substantially interfering with an individual's educational or work  
24 performance, or of creating an intimidating, hostile, or offensive  
25 educational or work environment.

26 (g) "Malicious harassment" as used in this section means malicious  
27 harassment as defined in RCW 9A.36.080.

28 NEW SECTION. Sec. 5. (1) The superintendent of public instruction  
29 shall develop the criteria for use by school districts in developing  
30 malicious harassment policies, as required under RCW 28A.640.020(2)(a),  
31 by December 31, 1999. All school districts shall adopt and implement  
32 a written policy concerning malicious harassment, as required under RCW  
33 28A.640.020(2)(b) by July 1, 2000.

34 (2)(a) The superintendent of public instruction shall adopt  
35 guidelines for use by school districts on training school district  
36 employees and volunteers about school district policies regarding  
37 sexual harassment and malicious harassment. The superintendent of  
38 public instruction shall establish training program guidelines that, to

1 the extent possible, can be implemented within existing training  
2 programs for employees and volunteers and with minimal additional  
3 expenditure of time and resources.

4 (b) The superintendent of public instruction shall adopt training  
5 guidelines under this subsection (2) by July 1, 2000. Each school  
6 district shall institute training programs in accordance with the  
7 guidelines adopted by the superintendent of public instruction and as  
8 required under RCW 28A.640.020(2)(e). To the extent possible, such  
9 programs shall be instituted by the beginning of the 2000 school year."

10 Renumber the sections consecutively and correct any internal  
11 references accordingly.

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15 On page 1, on line 1 of the title, after "programs;" insert  
16 "amending RCW 28A.640.020;"

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