
SUBSTITUTE SENATE BILL 5517

State of Washington

64th Legislature

2015 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Kohl-Welles, Litzow, McAuliffe, Rolfes, Keiser, and Hasegawa)

READ FIRST TIME 02/18/15.

1 AN ACT Relating to sexual harassment prevention and response
2 through policies and training in schools; amending RCW 28A.640.020;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that, although
6 infrequent, sexual harassment and sexual misconduct unfortunately
7 occur on school campuses. This conduct can damage students' and
8 employees' lives as well as impose a large cost to taxpayers when
9 civil suits are brought against school districts for failing to
10 provide an appropriate standard of care for its students and
11 employees under federal and state statutes, rules, and regulations.
12 The legislature intends to promote the safety and well-being of
13 students and employees through enacting stronger policies and
14 procedures to ensure all employees, students, and their parents or
15 guardians are informed of such policies and procedures and the
16 contact information for the responsible school official to contact to
17 take concerns and file a complaint.

18 **Sec. 2.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to
19 read as follows:

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

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

9 (i) Maintain credential requirements for all personnel without
10 regard to sex;

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

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

15 (iv) Provide the same opportunities for advancement to males and
16 females; and

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

21 (b) Specifically with respect to counseling and guidance services
22 for students, they shall be made available to all students equally.
23 All certificated personnel shall be required to stress access to all
24 career and vocational opportunities to students without regard to
25 sex.

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

1 sexes. Such facilities may be provided either as separate facilities
2 or shall be scheduled and used separately by each sex.

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

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

11 (e) Specifically with respect to textbooks and instructional
12 materials, which shall also include, but not be limited to, reference
13 books and audiovisual materials, they shall be required to adhere to
14 the guidelines developed by the superintendent of public instruction
15 to implement the intent of this chapter: PROVIDED, That this
16 subsection shall not be construed to prohibit the introduction of
17 material deemed appropriate by the instructor for educational
18 purposes.

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

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

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

38 (d) The school district's sexual harassment policy (~~shall~~) must
39 be written in clear language and at a reading level that enables
40 parents or guardians and secondary school students to understand the

1 policy. The school district's sexual harassment policy or reference
2 to it shall be conspicuously posted throughout each school building,
3 and provided to ((each employee)): (i) Administrators, certificated
4 staff, classified staff, and volunteers; and (ii) parents or
5 guardians, as well as students as deemed age-appropriate. A copy of
6 the policy ((shall)) must appear in any publication of the school or
7 school district setting forth the rules, regulations, procedures, and
8 standards of conduct for the school or school district, including any
9 handbook for students, parents or guardians, employees, or
10 volunteers. The policy must identify how a complaint can be filed,
11 including the employee or employees responsible for receiving
12 complaints along with contact information for them. Any school
13 newsletter sent to parents or guardians or information on the school
14 district's web site must include the name and contact information for
15 the employee or employees responsible for receiving complaints.

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.))~~ Upon hiring,
20 administrators, certificated staff, and classified staff must sign a
21 statement of receipt of the sexual harassment policy.

22 (f) Each school district must provide annual training to all
23 administrators, certificated staff, and classified staff on their
24 respective responsibilities under this chapter and 20 U.S.C. Sec.
25 1681 et seq. The annual training must also include training on topics
26 including, but not limited to, the prevalence of sexual harassment,
27 including sexual misconduct; indicators of sexual harassment and
28 misconduct; grooming and adult-student boundary patterns; the impact
29 of sexual harassment and misconduct on child development; complaint
30 procedures; and the employee or employees responsible for receiving
31 complaints. The training required in this subsection may be
32 incorporated within other annual training. Each school district must
33 develop a process for discussing the district's sexual harassment
34 policy with students. The process shall ensure the discussion be age-
35 appropriate and addresses the definition of sexual harassment and
36 issues covered in the sexual harassment policy.

37 ((+f)) (g) "Sexual harassment" as used in this section means
38 unwelcome sexual advances, requests for sexual favors, sexually
39 motivated physical contact, or other verbal or physical conduct or
40 communication 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
5 by 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.

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