
SENATE BILL 5517

State of Washington

64th Legislature

2015 Regular Session

By Senators Kohl-Welles, Litzow, McAuliffe, Rolfes, Keiser, and Hasegawa

Read first time 01/22/15. Referred to Committee on Early Learning & K-12 Education.

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

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

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

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

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

15 (i) Maintain credential requirements for all personnel without
16 regard to sex;

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

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

1 (iv) Provide the same opportunities for advancement to males and
2 females; and

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

7 (b) Specifically with respect to counseling and guidance services
8 for students, they shall be made available to all students equally.
9 All certificated personnel shall be required to stress access to all
10 career and vocational opportunities to students without regard to
11 sex.

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

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

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

37 (e) Specifically with respect to textbooks and instructional
38 materials, which shall also include, but not be limited to, reference
39 books and audiovisual materials, they shall be required to adhere to
40 the guidelines developed by the superintendent of public instruction

1 to implement the intent of this chapter: PROVIDED, That this
2 subsection shall not be construed to prohibit the introduction of
3 material deemed appropriate by the instructor for educational
4 purposes.

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

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

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

24 (d) The school district's sexual harassment policy (~~shall~~) must
25 be in clearly understandable language and conspicuously posted
26 throughout each school building, and provided to ((each-employee)):
27 (i) Administrators, certificated staff, and classified staff; and
28 (ii) parents or guardians, as well as students in secondary schools.
29 A copy of the policy shall appear in any publication of the school or
30 school district setting forth the rules, regulations, procedures, and
31 standards of conduct for the school or school district, including any
32 student handbook. The policy must identify how a complaint can be
33 filed, including the employee or employees responsible for receiving
34 complaints.

35 (e) Upon hiring, administrators, certificated staff, and
36 classified staff must sign a statement of receipt and agreement with
37 the sexual harassment policy.

38 (f) Each school district must provide annual training to all
39 administrators, certificated staff, and classified staff on their
40 respective responsibilities under this chapter and 20 U.S.C. Sec.

1 1681 et seq. Each school (~~shall~~) must develop a process for
2 discussing the district's sexual harassment policy. The process shall
3 ensure the discussion addresses the definition of sexual harassment
4 and issues covered in the sexual harassment policy. The annual
5 training must also include training on topics including, but not
6 limited to, the prevalence of sexual harassment, indicators of sexual
7 harassment, offender patterns, the impact of sexual harassment on
8 child development, complaint procedures, and the employee or
9 employees responsible for receiving complaints. The training required
10 in this subsection may be incorporated within other annual training.

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

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

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

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

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