

WAC 392-190-010 Counseling and guidance services—Course and program enrollment.

(1) School districts and public charter schools must not discriminate against any person on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal in the counseling or guidance of students.

(2) Each school district and public charter school must develop and use materials, orientation programs, and counseling techniques that encourage participation in all school programs and courses of study, including career and vocational technical programs and employment opportunities, regardless of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. School districts and public charter schools must encourage students to explore subjects, activities, and occupations not traditional for their sex.

(3) Each school district and public charter school that uses testing and other materials for counseling students must not use different materials for students based on their sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. A school district or public charter school may use different materials for students on the basis of their sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal if:

(a) The different materials address the same occupations and interest areas; and

(b) The use of different materials is essential to eliminate bias based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal.

(4) Each school district and public charter school must develop and use internal procedures to ensure that all tests and appraisal instruments related to guidance counseling, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling or placement do not discriminate on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal.

(5) If a school district or public charter school concludes that the use of tests and appraisal instruments, career and vocational guidance materials, work/study programs, or educational scheduling or placement has resulted in a substantially disproportionate number of students who are members of one of the groups identified in WAC 392-190-005 in any particular course of study or classification, the school district or charter school must take prompt action to ensure

that the disproportion is not the result of discrimination in the instrument or material, or its application.

(6) At least annually, each school district and public charter school must review student enrollment data within courses and programs disaggregated by sex, race, limited-English proficiency (i.e., English language learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act. In its review of this data, the school district or public charter school must determine whether a substantially disproportionate number of students within these categories are enrolled in a particular course or program. Where a school district or public charter school finds that a particular course or program contains a substantially disproportionate number of students who are members of any one of the categories identified in this section, the district or charter school must take prompt action to ensure that the disproportion is not the result of discrimination, including in:

- (a) The identification and selection of students;
- (b) Course and program enrollment criteria;
- (c) Tests and appraisal instruments;
- (d) Academic, career, and vocational guidance materials;
- (e) Work/study programs and opportunities;
- (f) Educational scheduling or placement; and
- (g) Other factors related to course and program enrollment.

[Statutory Authority: RCW 28A.640.020 and 28A.642.020. WSR 14-23-072, § 392-190-010, filed 11/18/14, effective 12/19/14; WSR 11-09-024, § 392-190-010, filed 4/13/11, effective 5/14/11. Statutory Authority: RCW 34.05.220 [(1)](a). WSR 89-23-001 (Order 15), § 392-190-010, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. WSR 80-09-017 (Order 80-26), § 392-190-010, filed 7/9/80; Order 6-76, § 392-190-010, filed 5/17/76.]