
HOUSE BILL 2153

State of Washington

53rd Legislature

1994 Regular Session

By Representatives J. Kohl, Foreman, Thibaudeau, Ballasiotes, L. Johnson, Cooke, Valle, R. Johnson, Ogden, H. Myers, Heavey, Cothorn, Appelwick, Anderson, Roland, Forner, Campbell, Kremen, Pruitt, Johanson, Kessler, Holm, King, Wineberry, Basich, Romero, Springer and Leonard

Prefiled 12/28/93. Read first time 01/10/94. Referred to Committee on Education.

1 AN ACT Relating to school district sexual harassment policy
2 criteria; and amending RCW 28A.640.020.

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

4 **Sec. 1.** RCW 28A.640.020 and 1975 1st ex.s. c 226 s 2 are each
5 amended to read as follows:

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

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

14 ~~((a))~~ (i) Maintain credential requirements for all personnel
15 without regard to sex;

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

18 ~~((c))~~ (iii) Assign school duties without regard to sex except
19 where such assignment would involve duty in areas or situations, such

1 as but not limited to a shower room, where persons might be
2 disrobed(~~(-)~~);

3 ~~((d))~~ (iv) Provide the same opportunities for advancement to
4 males and females; and

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

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

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

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

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

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

8 (2)(a) By September 30, 1994, the superintendent of public
9 instruction shall develop criteria for use by school districts in
10 developing sexual harassment policies as required under (b) of this
11 subsection. The criteria shall address the subjects of grievance
12 procedures, remedies to victims of sexual harassment, disciplinary
13 actions against violators of the policy, and other subjects at the
14 discretion of the superintendent of public instruction. Disciplinary
15 actions must conform with collective bargaining agreements and state
16 and federal laws. The superintendent of public instruction also shall
17 develop a written model policy for consideration by school districts in
18 adopting the required policy.

19 (b) By December 31, 1994, every school district shall adopt and
20 implement a written policy concerning sexual harassment. The policy
21 shall apply to all school district employees, volunteers, parents, and
22 students, including, but not limited to, conduct between students. The
23 policy adopted may, but need not, be the model policy developed under
24 (a) of this subsection. However, a policy adopted must conform to the
25 criteria established under (a) of this subsection.

26 (c) Each school board shall submit to the superintendent of public
27 instruction for approval a copy of the sexual harassment policy the
28 board has adopted. A school board has not adopted a sexual harassment
29 policy as required by this section until that policy has been approved
30 by the superintendent of public instruction.

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

1 (e) Each school shall develop a process for discussing the
2 district's sexual harassment policy with all employees, volunteers,
3 parents, and students. The process shall ensure the discussion
4 addresses the subjects of grievance procedures, remedies to victims of
5 sexual harassment, disciplinary actions against violators of the
6 policy, and other subjects at the discretion of the superintendent of
7 public instruction and the school district in which the school is
8 located.

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

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

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

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

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