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SENATE BILL 5568

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Jacobsen and Kohl-Welles

Read first time 01/30/2003. Referred to Committee on Education.

1            AN ACT Relating to access to education; amending RCW 49.60.400; and  
2            creating a new section.

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

4            NEW SECTION.    **Sec. 1.** The legislature finds that providing access  
5            to quality public education is a crucial part of promoting economic  
6            growth and stability in the state of Washington.

7            **Sec. 2.** RCW 49.60.400 and 1999 c 3 s 1 are each amended to read as  
8            follows:

9            (1) The state shall not discriminate against, or grant preferential  
10            treatment to, any individual or group on the basis of race, sex, color,  
11            ethnicity, or national origin in the operation of public employment,  
12            public education, or public contracting.

13            (2) This section applies only to action taken after December 3,  
14            1998.

15            (3) This section does not affect any law or governmental action  
16            that does not discriminate against, or grant preferential treatment to,  
17            any individual or group on the basis of race, sex, color, ethnicity, or  
18            national origin.

1 (4) This section does not affect any otherwise lawful  
2 classification that:

3 (a) Is based on sex and is necessary for sexual privacy or medical  
4 or psychological treatment; or

5 (b) Is necessary for undercover law enforcement or for film, video,  
6 audio, or theatrical casting; or

7 (c) Provides for separate athletic teams for each sex.

8 (5) This section does not invalidate any court order or consent  
9 decree that is in force as of December 3, 1998.

10 (6) This section does not prohibit action that must be taken to  
11 establish or maintain eligibility for any federal program, if  
12 ineligibility would result in a loss of federal funds to the state.

13 (7) For the purposes of this section, "state" includes, but is not  
14 necessarily limited to, the state itself, any city, county, (~~public~~  
15 ~~college or university, community college, school district,~~) special  
16 district, or other political subdivision or governmental  
17 instrumentality of or within the state.

18 (8) The remedies available for violations of this section shall be  
19 the same, regardless of the injured party's race, sex, color,  
20 ethnicity, or national origin, as are otherwise available for  
21 violations of Washington antidiscrimination law.

22 (9) This section shall be self-executing. If any part or parts of  
23 this section are found to be in conflict with federal law, the United  
24 States Constitution, or the Washington state Constitution, the section  
25 shall be implemented to the maximum extent that federal law, the United  
26 States Constitution, and the Washington state Constitution permit. Any  
27 provision held invalid shall be severable from the remaining portions  
28 of this section.

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