

SENATE BILL REPORT

SB 5837

As Reported By Senate Committee On:
Early Learning & K-12 Education, February 26, 2007

Title: An act relating to monitoring compliance with sexual equality laws.

Brief Description: Monitoring federal and state nondiscrimination in education laws, rules, and regulations.

Sponsors: Senators Kohl-Welles, Keiser, Fraser, Rockefeller, Hobbs, Delvin, Tom, Prentice, McAuliffe, Jacobsen and Kline.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/14/07, 2/26/07 [DPS-WM, DNP].
Ways & Means: 3/01/07.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5837 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein.

Minority Report: Do not pass.

Signed by Senators Holmquist, Ranking Minority Member; Brandland, Clements, Hewitt and Zarelli.

Staff: Eric Bratton (786-7438)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Bryon Moore (786-7726)

Background: Congress passed Title IX of the Education Amendments in 1972, prohibiting discrimination on the basis of sex in all education programs and activities receiving federal financial assistance. That same year, Article XXXI of the Washington State Constitution, the Equal Rights Amendment, was approved by the voters providing that "equality of rights and responsibility under the law shall not be abridged on account of sex."

In 1975, the Superintendent of Public Instruction developed regulations and guidelines to eliminate gender discrimination in Washington schools. Sexual harassment is recognized as a

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form of gender discrimination. In 1994, the Legislature spelled out new requirements for school districts to address sexual harassment in schools. The new provisions called on districts to develop and to prominently post, disseminate, and discuss anti-sexual harassment policies.

Summary of Bill: The Office of the Superintendent of Public Instruction (OSPI) will monitor local school districts' compliance with state and federal laws, rules, and regulations concerning sexual harassment, sexual misconduct, and sex discrimination towards students. OSPI will also monitor employee knowledge of those laws, rules, and regulations. OSPI will establish rules for enforcing the laws, rules, and regulations and establish guidelines for nondiscrimination programs to be adopted by all school districts. The compliance monitoring process will be conducted on a three-year cycle, with one-third of the school districts reporting each year. OSPI will conduct on-site visits at a quarter of those districts reporting in any given year.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Early Learning & K-12 Education): OSPI must monitor school districts' compliance with state and federal laws, rules, and regulations concerning sexual harassment, sexual misconduct, and sex discrimination towards both students and employees, and student and employee knowledge of such laws, rules, and regulations.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Early Learning & K-12 Education): PRO: Even after several decades, large gaps still exist in student and employee knowledge and understanding of sexual equality laws. OSPI has reduced compliance monitoring significantly in the past several years. The state needs to ensure local sports programs provide equal opportunity for girls in athletics. Formerly, federal money was used to fund compliance monitoring, but now state funding is required. There has been a reversal in Title IX compliance over the past several years. Some school districts back their boys sports programs' budgets out of the main budgets before calculating gender equity.

Persons Testifying (Early Learning & K-12 Education): PRO: Senator Kohl-Welles, prime sponsor; Darcy Lees, former OSPI Equity Coordination Supervisor; Pam Crone, Northwest Women's Law Center; Isabel Munoz-Colon, OSPI; Herb Dempsey, citizen.

Staff Summary of Public Testimony (Ways & Means): PRO: This legislation is not about creating new laws; it is about ensuring compliance with existing laws. Because of budget reductions at the state and federal level, the Office of Superintendent of Public Instruction has not had the staff to provide the support and training to school districts in this area. This bill is about providing the resources to do that. This will save taxpayer money by avoiding costly lawsuits and settlements. It will also make our students safer and better aid staff in knowing their responsibilities under the law.

Persons Testifying (Ways & Means): PRO: Senator Kohl-Welles, prime sponsor; Darcy Lees, retired OSPI Equity Coordination Supervisor; Kyra Kester, OSPI.