

E2SHB 3026 - S COMM AMD

By Committee on Early Learning & K-12 Education

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that in 1975
4 legislation was adopted, codified as chapter 28A.640 RCW, recognizing
5 the deleterious effect of discrimination on the basis of sex,
6 specifically prohibiting such discrimination in Washington public
7 schools, and requiring the office of the superintendent of public
8 instruction to monitor and enforce compliance. The legislature further
9 finds that, while numerous state and federal laws prohibit
10 discrimination on other bases in addition to sex, the common school
11 provisions in Title 28A RCW do not include specific acknowledgment of
12 the right to be free from discrimination because of race, creed, color,
13 national origin, honorably discharged veteran or military status,
14 sexual orientation, the presence of any sensory, mental, or physical
15 disability, or the use of a trained dog guide or service animal by a
16 person with a disability, nor do any common school provisions
17 specifically direct the office of the superintendent of public
18 instruction to monitor and enforce compliance with these laws. The
19 legislature finds that one of the recommendations made to the
20 legislature by the achievement gap oversight and accountability
21 committee created in chapter 468, Laws of 2009, was that the office of
22 the superintendent of public instruction should be specifically
23 authorized to take affirmative steps to ensure that school districts
24 comply with all state and federal civil rights laws, similar to what
25 has already been authorized in chapter 28A.640 RCW with respect to
26 discrimination on the basis of sex. Finally, noting the history of
27 federal and state civil rights legislation and enforcement, the
28 legislature finds that public awareness of discriminatory practices and
29 disparate educational outcomes is an effective complement to formal
30 enforcement or corrective actions.

1 NEW SECTION. **Sec. 2.** Discrimination in Washington public schools
2 on the basis of race, creed, religion, color, national origin,
3 honorably discharged veteran or military status, sexual orientation
4 including gender expression or identity, the presence of any sensory,
5 mental, or physical disability, or the use of a trained dog guide or
6 service animal by a person with a disability is prohibited. The
7 definitions given these terms in chapter 49.60 RCW apply throughout
8 this chapter unless the context clearly requires otherwise.

9 NEW SECTION. **Sec. 3.** The superintendent of public instruction
10 shall develop rules and guidelines to eliminate discrimination
11 prohibited in section 2 of this act as it applies to public school
12 employment, counseling and guidance services to students, recreational
13 and athletic activities for students, access to course offerings, and
14 in textbooks and instructional materials used by students.

15 NEW SECTION. **Sec. 4.** The office of the superintendent of public
16 instruction shall monitor local school districts' compliance with this
17 chapter, and shall establish a compliance timetable, rules, and
18 guidelines for enforcement of this chapter.

19 NEW SECTION. **Sec. 5.** Any person aggrieved by a violation of this
20 chapter, or aggrieved by the violation of any rule or guideline adopted
21 under this chapter, has a right of action in superior court for civil
22 damages and such equitable relief as the court determines.

23 NEW SECTION. **Sec. 6.** The superintendent of public instruction has
24 the power to enforce and obtain compliance with the provisions of this
25 chapter and other state and federal laws prohibiting discrimination,
26 including chapter 49.60 RCW, Title VI of the civil rights act of 1964,
27 as amended (42 U.S.C. Secs. 2000d et seq.), Title IX of the education
28 amendments of 1972, as amended (20 U.S.C. Secs. 1681 et seq.), section
29 504 of the rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794),
30 the age discrimination act of 1975, as amended (42 U.S.C. Secs. 6101 et
31 seq.), and if applicable, the boy scouts of America equal access act of
32 2001 (20 U.S.C. Sec. 7905), and the rules and regulations adopted under
33 these laws, by appropriate order made pursuant to chapter 34.05 RCW.
34 The order may include, but is not limited to, termination of all or

1 part of federal financial assistance or state apportionment or
2 categorical moneys to the offending school district, termination of
3 specified programs in which violations may be flagrant within the
4 offending school district, institution of corrective action, and the
5 placement of the offending school district on probation with
6 appropriate sanctions until compliance is achieved.

7 NEW SECTION. **Sec. 7.** This chapter is supplementary to, and does
8 not supersede, existing law and procedures and future amendments to
9 those laws and procedures relating to unlawful discrimination.

10 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
11 a new chapter in Title 28A RCW.

12 NEW SECTION. **Sec. 9.** If specific funding for the purposes of this
13 act, referencing this act by bill or chapter number, is not provided by
14 June 30, 2010, in the omnibus appropriations act, this act is null and
15 void."

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16 On page 1, line 2 of the title, after "laws;" strike the remainder
17 of the title and insert "adding a new chapter to Title 28A RCW; and
18 creating a new section."

EFFECT: Removes the requirement that OSPI post information on its
web site.

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