

SENATE BILL REPORT

ESSB 5967

As Amended by House, April 8, 2009

Title: An act relating to prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex.

Brief Description: Prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Kohl-Welles, Fairley, Fraser, McAuliffe and Kline).

Brief History:

Committee Activity: Government Operations & Elections: 2/23/09 [DPS].

Passed Senate: 3/11/09, 41-4.

Passed House: 4/08/09, 67-31.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5967 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott and Pridemore.

Staff: Aaron Gutierrez (786-7448)

Background: Title IX of the Education Amendments of 1972 is a federal statute created to prohibit sex discrimination in education programs that receive federal financial assistance. Nearly every educational institution is a recipient of federal funds, and therefore is required to comply with Title IX.

In 1975 Washington adopted its own Title IX legislation in RCW 28A.640.010, which prohibits inequality in the educational opportunities afforded women and girls at all levels of public schools in Washington State.

Currently, Washington law does not extend the protection of Title IX to opportunities in community athletic programs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Engrossed Substitute Bill: No city, town, county, or district may discriminate, or allow discrimination, against any person in a community athletics program on the basis of sex. "Community athletics program" means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition that is in any way operated, conducted, administered, or supported by local governments and districts, other than those created solely for the students of a school.

Each city, town, county, and district operating or issuing permission to a third party to operate a community athletics program must adopt a policy for that program that specifically prohibits discrimination against any person on the basis of sex.

The nondiscrimination policy must be adopted by January 1, 2010, and must be published and disseminated. At a minimum, it should be included in any publication that contains information about the program or information about obtaining a permit to operate a program. The policy must also be published on the appropriate entity's website.

School districts issuing permission to a third party for the operation of a community athletics program on its facilities must also follow these requirements, but may use and modify existing school policies to the extent possible. School districts are not required to monitor compliance, investigate complaints, or otherwise enforce school district policies as to third parties using school district facilities.

Every entity covered by this act must publish the name, office address, and office telephone number of any employee responsible for carrying out compliance with this act.

Appropriation: None.

Fiscal Note: Requested on February 13, 2009.

Committee/Commission/Task Force Created: Yes.

Effective Date: The bill takes effect on January 1, 2010.

Staff Summary of Public Testimony: PRO: This is not just about discrimination; it is about being fair. This does not require equal numbers in sports. This only applies to public facilities. There are many stories and examples of girls' and women's sports teams using inferior facilities. Volleyball is the equivalent of football. Community centers often charge too much money. When community facilities do not have a scheduled activity, 90 percent of the time the boys will dominate. Often, boys teams will get better facilities because historically they have always gotten them.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Tom Pellerin, Mercer Island Little League Softball; Jack Hamaan, Garfield High School Assistant Volleyball Coach; Linda Mangel, American Civil Liberties Union – Washington; Mary Dodswort, Washington Recreation and Parks Association.

House Amendment(s): The amended bill includes technical and clarifying changes to correct internal references and use consistent language. The amended bill adds the standard language on

the application of the bill's anti-discrimination provision to the chapter containing general provisions applicable to counties.