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**HOUSE BILL 1836**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Shewmake and Pollet

AN ACT Relating to awarding academic scholarships to members of underprivileged or disadvantaged groups; and amending RCW 49.60.400.

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

**Sec.**  RCW 49.60.400 and 2013 c 242 s 7 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

(7) Nothing in this section prohibits schools established under chapter 28A.715 RCW from:

(a) Implementing a policy of Indian preference in employment; or

(b) Prioritizing the admission of tribal members where capacity of the school's programs or facilities is not as large as demand.

(8)(a) Nothing in this section prohibits any state entity that awards private fund academic scholarships from using membership in an underprivileged or disadvantaged group as a criterion for awarding such scholarships.

(b) To identify members of underprivileged or disadvantaged groups, state entities may consider a scholarship applicant's race, sex, color, ethnicity, and national origin as nondispositive factors, but must also consider additional factors, which may include, without limitation, economic resources, health, residence, upbringing, education, life experience, and any other criteria relevant to membership in an underprivileged or disadvantaged group.

(c) For purposes of this section, "private fund academic scholarship" means a grant awarded for educational purposes that is entirely funded by private moneys.

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

((~~(9)~~)) (10) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Washington antidiscrimination law.

((~~(10)~~)) (11) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law, the United States Constitution, or the Washington state Constitution, the section shall be implemented to the maximum extent that federal law, the United States Constitution, and the Washington state Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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