
SENATE BILL 6116

State of Washington

68th Legislature

2024 Regular Session

By Senators Fortunato and McCune

Read first time 01/10/24. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the organization of interscholastic athletics;
2 amending RCW 28A.600.200 and 28B.10.703; adding a new section to
3 chapter 28A.600 RCW; and adding a new section to chapter 28B.10 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.600
6 RCW to read as follows:

7 (1) Except as provided in subsection (5) of this section,
8 interschool athletic activities and other interschool extracurricular
9 activities of an athletic nature, including those administered by a
10 school district board of directors under RCW 28A.600.200, must be
11 organized using the following groupings for the purposes of
12 participation and competition:

13 (a) Students who have the same kind of sex chromosome (xx) who
14 identify as a woman or girl;

15 (b) Students who have the same kind of sex chromosome (xx) who
16 identify as a man or boy;

17 (c) Students who have two different kinds of sex chromosomes (xy)
18 who identify as a man or boy;

19 (d) Students who have two different kinds of sex chromosomes (xy)
20 who identify as a woman or girl; and

1 (e) Students who do not meet the criteria in (a) through (d) of
2 this subsection.

3 (2) For the purposes of this section, a student's eligibility for
4 a particular grouping may be determined by any medical documentation
5 that demonstrates the chromosomal makeup of the student.

6 (3)(a) Any student who is deprived of an athletic opportunity or
7 suffers any direct or indirect harm as a result of a violation of
8 this section has a private cause of action for injunctive relief,
9 damages, and any other relief available under law against the school
10 district.

11 (b) Any student who is subject to retaliation or other adverse
12 action by a school, school district, or an athletic association or
13 organization as a result of reporting a violation of this section to
14 an employee or a representative of the school, school district, or
15 athletic association or organization, or to any state or federal
16 agency with oversight of schools or public postsecondary institutions
17 in this state, has a private cause of action for injunctive relief,
18 damages, and any other relief available under law against the school,
19 school district, or athletic association or organization.

20 (c) Any school district that suffers any direct or indirect harm
21 as a result of a violation of this section has a private cause of
22 action for injunctive relief, damages, and any other relief available
23 under law against the governmental entity, licensing or accrediting
24 organization, or athletic association or organization.

25 (d) A school district or a student of a school district that
26 suffers any direct or indirect harm as a result of a public or
27 private school, a school district, or other organization not
28 structuring their athletics in alignment with this section has a
29 private cause of action for injunctive relief, damages, and any other
30 relief available under law against the school, school district, or
31 other organization.

32 (e) A civil action brought under this section must be initiated
33 within two years after the alleged harm occurred. Students or school
34 districts who prevail on a claim brought under this section are
35 entitled to monetary damages, including for any psychological,
36 emotional, or physical harm suffered, reasonable attorneys' fees and
37 costs, and any other appropriate relief.

38 (4) A governmental entity, licensing or accrediting organization,
39 or an athletic association may not entertain a complaint, open an
40 investigation, or take any other adverse action against any school

1 district in this state for maintaining separate interscholastic
2 athletic teams or sports for students based on the designations
3 required under this section.

4 (5) The requirements of this section do not apply to interschool
5 athletic activities and other interschool extracurricular activities
6 of an athletic nature that consist primarily of students in grades
7 kindergarten through six.

8 **Sec. 2.** RCW 28A.600.200 and 2012 c 155 s 2 are each amended to
9 read as follows:

10 Each school district board of directors is hereby granted and
11 shall exercise the authority to control, supervise and regulate the
12 conduct of interschool athletic activities and other interschool
13 extracurricular activities of an athletic, cultural, social or
14 recreational nature for students of the district, subject to the
15 requirements provided in section 1 of this act. A board of directors
16 may delegate control, supervision and regulation of any such activity
17 to the Washington interscholastic activities association or any other
18 voluntary nonprofit entity and compensate such entity for services
19 provided, subject to the following conditions:

20 (1) The voluntary nonprofit entity shall not discriminate in
21 connection with employment or membership upon its governing board, or
22 otherwise in connection with any function it performs, on the basis
23 of race, creed, national origin, sex or marital status((~~r~~)).

24 (2)(a) Any rules and policies adopted and applied by the
25 voluntary nonprofit entity that governs student participation in any
26 interschool activity shall be written; and

27 (b) Such rules and policies shall provide for notice of the
28 reasons and a fair opportunity to contest such reasons prior to a
29 final determination to reject a student's request to participate in
30 or to continue in an interschool activity.

31 (3)(a) The association or other voluntary nonprofit entity is
32 authorized to impose penalties for rules violations upon coaches,
33 school district administrators, school administrators, and students,
34 as appropriate, to punish the offending party or parties;

35 (b) No penalty may be imposed on a student or students unless the
36 student or students knowingly violated the rules or unless a student
37 gained a significant competitive advantage or materially
38 disadvantaged another student through a rule violation;

1 (c) Any penalty that is imposed for rules violations must be
2 proportional to the offense;

3 (d) Any decision resulting in a penalty shall be considered a
4 decision of the school district conducting the activity in which the
5 student seeks to participate or was participating and may be appealed
6 pursuant to RCW 28A.600.205 and 28A.645.010 through 28A.645.030.

7 (4) The school districts, Washington interscholastic activities
8 association districts, and leagues that participate in the
9 interschool extracurricular activities shall not impose more severe
10 penalties for rule violations than can be imposed by the rules of the
11 association or the voluntary nonprofit entity.

12 (5) As used in this section and RCW 28A.600.205, "knowingly"
13 means having actual knowledge of or acting with deliberate ignorance
14 or reckless disregard for the prohibition involved.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10
16 RCW to read as follows:

17 (1) Interscholastic, intercollegiate, intramural, or club
18 athletic activities and other interschool extracurricular activities
19 of an athletic nature sponsored by an institution of higher
20 education, including those established under the authority granted by
21 RCW 28B.10.703, must be organized using the following groupings for
22 the purposes of participation and competition:

23 (a) Students who have the same kind of sex chromosome (xx) who
24 identify as a woman or girl;

25 (b) Students who have the same kind of sex chromosome (xx) who
26 identify as a man or boy;

27 (c) Students who have two different kinds of sex chromosomes (xy)
28 who identify as a man or boy;

29 (d) Students who have two different kinds of sex chromosomes (xy)
30 who identify as a woman or girl; and

31 (e) Students who do not meet the criteria in (a) through (d) of
32 this subsection.

33 (2) For the purposes of this section, a student's eligibility for
34 a particular grouping may be determined by any medical documentation
35 that demonstrates the chromosomal makeup of the student.

36 (3) (a) Any student who is deprived of an athletic opportunity or
37 suffers any direct or indirect harm as a result of a violation of
38 this section has a private cause of action for injunctive relief,

1 damages, and any other relief available under law against the
2 institution of higher education.

3 (b) Any student who is subject to retaliation or other adverse
4 action by an institution of higher education or an athletic
5 association or organization as a result of reporting a violation of
6 this section to an employee or a representative of the school, school
7 district, or athletic association or organization, or to any state or
8 federal agency with oversight of schools or institutions of higher
9 education in this state, has a private cause of action for injunctive
10 relief, damages, and any other relief available under law against the
11 institution of higher education or athletic association or
12 organization.

13 (c) Any institution of higher education that suffers any direct
14 or indirect harm as a result of a violation of this section has a
15 private cause of action for injunctive relief, damages, and any other
16 relief available under law against the governmental entity, licensing
17 or accrediting organization, or athletic association or organization.

18 (d) An institution of higher education or a student of an
19 institution of higher education that suffers any direct or indirect
20 harm as a result of a public or private postsecondary institution or
21 other organization not structuring their athletics in alignment with
22 this section has a private cause of action for injunctive relief,
23 damages, and any other relief available under law against the
24 postsecondary institution or other organization.

25 (e) A civil action brought under this section must be initiated
26 within two years after the alleged harm occurred. Students or
27 institutions of higher education who prevail on a claim brought under
28 this section are entitled to monetary damages, including for any
29 psychological, emotional, or physical harm suffered, reasonable
30 attorneys' fees and costs, and any other appropriate relief.

31 (4) A governmental entity, licensing or accrediting organization,
32 or an athletic association may not entertain a complaint, open an
33 investigation, or take any other adverse action against any
34 institution of higher education in this state for maintaining
35 separate interscholastic, intercollegiate, intramural, or club
36 athletic teams or sports for students based on the designations
37 required under this section.

38 **Sec. 4.** RCW 28B.10.703 and 1977 ex.s. c 169 s 32 are each
39 amended to read as follows:

1 The governing boards of each of the state universities, the
2 regional universities, The Evergreen State College, and community
3 colleges in addition to their other duties prescribed by law shall
4 have the power and authority to establish programs for
5 intercollegiate athletic competition. Such competition may include
6 participation as a member of an athletic conference or conferences,
7 in accordance with conference rules. Programs created under this
8 section are subject to the requirements provided in section 3 of this
9 act.

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