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**SENATE BILL 5123**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Nobles and C. Wilson

AN ACT Relating to expanding protections for certain students to promote inclusivity in public schools; amending RCW 28A.642.010; adding a new section to chapter 28A.642 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that:

(1) Clear and comprehensive definitions that reflect an evolving understanding of identity can ensure that Washington schools are at the forefront of inclusivity;

(2) While federal protections provide a foundation, the legislature recognizes the urgency of addressing the needs of diverse communities. Through state protections, the legislature ensures equity and justice for every student regardless of federal action or inaction;

(3) Discrimination can create an environment of harassment and exclusion, creating barriers to learning and development and leading to severe impacts on student mental health and academic success. This often results in higher rates of anxiety and depression for marginalized students;

(4) Inclusive schools have been shown to improve mental health outcomes through a sense of belonging. For example, LGBTQ-affirming schools play a role in reducing suicidal ideation for LGBTQ students according to the Trevor project; and

(5) By providing statewide protections for marginalized students, Washington can pave the way for more inclusivity.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.642 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ethnicity" means a connection to a population group that shares a common cultural heritage or ancestry.

(2) "Gender expression" means the external appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics, or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

(3) "Gender identity" means a person's internal sense of being male, female, both, neither, or in-between, independent of how it is expressed or perceived by others.

(4) "Homelessness" means without a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as set forth in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11301 et seq.

(5)(a) "Immigration status" means the actual or perceived legal condition or classification of a person and their parents or guardians if the person is a minor as it relates to their presence and rights to reside in a country that is not their country of citizenship or origin.

(b) "Immigration status" includes, but is not limited to, the statuses of naturalized citizen, permanent resident, visa holder, undocumented, and refugee.

(6) "Neurodivergence" means neurological differences including, but not limited to, autism spectrum disorder, dyslexia, and attention deficit hyperactivity disorder. Neurodivergent individuals may or may not identify as disabled.

(7) "Sexual orientation" means an individual's enduring pattern of romantic, emotional, or sexual attraction to people of the same gender, a different gender, or multiple genders.

**Sec.**  RCW 28A.642.010 and 2010 c 240 s 2 are each amended to read as follows:

Discrimination in Washington public schools on the basis of race, ethnicity, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation ((~~including~~)), gender expression ((~~or~~)), gender identity, homelessness, immigration status, the presence of any sensory, mental, or physical disability, neurodivergence, or the use of a trained dog guide or service animal by a person with a disability is prohibited. The definitions given these terms in chapter 49.60 RCW apply throughout this chapter except as provided in section 2 of this act and unless the context clearly requires otherwise.

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