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**SENATE BILL 5180**

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

**By** Senators C. Wilson and Liias

AN ACT Relating to securing the rights of students to have a safe, civil, and respectful learning community that is free of discrimination by ensuring all schools adopt and enforce gender inclusive protections, policies, and procedures; amending RCW 28A.642.080, 28A.715.020, 28A.300.535, 28A.600.477, and 28A.642.090; adding a new section to chapter 28A.400 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that Washington state has long been at the forefront of recognizing that student success is dependent on providing every student with a safe, inclusive learning environment, free of harassment and discrimination in all forms.

(2) In 2010, the legislature created expansive provisions specific to public schools clearly stating that all students have the right to exist free from discrimination based on race, creed, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

(3) The legislature directed the office of the superintendent of public instruction to monitor and enforce compliance with this law. To this end, in 2012, the office of the superintendent of public instruction adopted guidelines for school districts related to prohibiting discrimination in public schools that specifically addressed gender identity and gender expression and established protections for transgender students.

(4) In 2019, the legislature again took action to protect students at risk of discriminatory treatment by directing the Washington state school directors' association to collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure that recognized the importance of an inclusive approach toward transgender and gender-expansive students.

(5) In 2020, each school district was required to adopt a policy and procedure that incorporated all the elements of the model policy. The legislature finds, unfortunately, that some school districts are not necessarily implementing the model policy and are reading ambiguity into the laws related to the specific requirements of this model policy.

(6) The legislature therefore intends to clearly state the required components of the model policy and procedure, so no ambiguity remains in the legislative intent to protect all students from discriminatory treatment in our schools. The legislature further intends to provide protections for personnel employed by or contracted with school districts, charter schools, and state-tribal education compact schools who support students in the exercise of their rights and perform work activities in a manner consistent with state law.

**Sec.**  RCW 28A.642.080 and 2023 c 242 s 5 are each amended to read as follows:

(1)(a)(i) By January 31, 2020, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements of the model ((~~transgender student~~)) policy and procedure relating to gender inclusive schools described in subsection (3) of this section.

(ii) At the next regularly scheduled meeting of each school district board of directors after the effective date of this section, school districts must amend if necessary policies and procedures that meet the requirements in this section.

(b) School districts must share the policies and procedures that meet the requirements of (a) of this subsection with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction. This requirement as it relates to students, parents, and guardians may be satisfied by using the model student handbook language in RCW 28A.300.286.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policies and procedures relating to ((~~transgender students~~)) gender inclusive schools that meet the requirements of (a) of this subsection. In addition to any other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policies and procedures relating to ((~~transgender students~~)) gender inclusive schools that meet the requirements of (a) of this subsection;

(B) Receive copies of all formal and informal complaints relating to transgender students and gender expansive students;

(C) Communicate with the school district employees responsible for monitoring school district compliance with this chapter, and the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on policies and procedures relating to ((~~transgender students~~)) gender inclusive schools that meet the requirements of (a) of this subsection.

(ii) The primary contact from each school district must attend at least one training class as provided in RCW 28A.600.477, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477 and the primary contact regarding school district compliance with nondiscrimination laws under RCW 28A.300.286.

(2) As required by the office of the superintendent of public instruction, each school district must provide to the office of the superintendent of public instruction its policies and procedures relating to ((~~transgender students~~)) gender inclusive schools that meet the requirements of subsection (1)(a) of this section.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model ((~~transgender student~~)) policy and procedure relating to gender inclusive schools.

(b) The elements of the model ((~~transgender student~~)) policy and procedure relating to gender inclusive schools must, at a minimum:

(i) Incorporate the office of the superintendent of public instruction's rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender expression and gender identity ((~~and expression~~)); ((~~address~~))

(ii) Address the unique challenges and needs faced by transgender students and gender-expansive students in public schools; and ((~~describe~~))

(iii) Describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying, required under RCW 28A.600.477, to transgender students and gender-expansive students.

(c) The elements of the model policy and procedure relating to gender inclusive schools must include the following specific components:

(i) That students have the right to be referred to by their preferred name and pronouns at school;

(ii) That students have the right to participate in school-sponsored athletics or activities, or both, in a manner that is consistent with their gender expression or gender identity;

(iii) That students have the right to use the restroom that corresponds to their gender expression or gender identity;

(iv) That students have the right to dress in a manner that is consistent with their gender expression or gender identity within the constraints of the dress codes or uniform established pursuant to the policies established and allowed by RCW 28A.320.140 and within the constraints of school district guidelines for dress as they relate to health and safety issues; and

(v) That personnel employed by or contracted with a school district or educational service district must not disclose any information related to a student's sexual orientation, gender expression, or gender identity to any person without the student's consent. School districts must develop procedures consistent with procedures developed by the office of the superintendent of public instruction to avoid inadvertent disclosure of student's sexual orientation, gender expression, or gender identity to other students, their parents, educational staff, or other third parties without the student's consent.

(d) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure relating to gender inclusive schools on each agency's website at no cost to school districts.

(4)(a) By December 31, 2020, the office of the superintendent of public instruction must develop online training material available to all school staff based on the model ((~~transgender student~~)) policy and procedure relating to gender inclusive schools described in subsection (3) of this section and the office of the superintendent of public instruction's rules and guidance as provided under this chapter.

(b) The online training material must describe the role of school district primary contacts for monitoring school district compliance with this chapter prohibiting discrimination in public schools, RCW 28A.600.477 related to the policies and procedures prohibiting harassment, intimidation, and bullying, and this section related to policies and procedures relating to ((~~transgender students~~)) gender inclusive schools.

(c) The online training material must include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

(d) The office of the superintendent of public instruction must annually notify school districts of the availability of the online training material.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.400 RCW to read as follows:

(1) Personnel employed by or contracted with a school district or educational service district shall not in any manner retaliate or take adverse action against any employee on the basis that the employee:

(a) Supported a student in the exercise of rights provided under chapters 28A.640, 28A.642, and 49.60 RCW;

(b) Performed work activities in a manner consistent with RCW 28A.642.080; or

(c) Used curriculum or instructional materials that address subject matter related to sexual orientation, gender expression, or gender identity in accordance with RCW 28A.405.170.

(2) Personnel employed by or contracted with a school district or educational service district may not be required to disclose any information related to a student's sexual orientation, gender expression, or gender identity to any person without the student's consent.

(3) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW.

**Sec.**  RCW 28A.715.020 and 2024 c 206 s 2 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must operate according to the terms of its compact executed in accordance with RCW 28A.715.010.

(2) Schools that are the subjects of state-tribal education compacts are exempt from all state statutes and rules applicable to school districts and school district boards of directors, except those statutes and rules made applicable under this chapter and in the state-tribal education compact executed under RCW 28A.715.010.

(3) Each school that is the subject of a state-tribal education compact must:

(a) Provide a curriculum and conduct an educational program that satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and 28A.230.010 through 28A.230.195, unless an exemption for one or more of these requirements is expressly included within the state-tribal education compact;

(b) Employ certificated instructional staff as required in RCW 28A.410.010, however such schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(c) Comply with the employee record check requirements in RCW 28A.400.303 and the mandatory termination and notification provisions of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

(d) Comply with nondiscrimination laws including, but not limited to, chapter 28A.642 RCW (discrimination prohibition), chapter 28A.640 RCW (sexual equality), chapter 28A.180 RCW (transitional bilingual instruction program), and chapter 28A.155 RCW (special education);

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance; and

(f) Be subject to and comply with legislation enacted after July 28, 2013, governing the operation and management of schools that are the subject of a state-tribal education compact.

(4) No such school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Nothing in this chapter may limit or restrict any enrollment or school choice options otherwise available under this title.

**Sec.**  RCW 28A.300.535 and 2019 c 194 s 3 are each amended to read as follows:

The office of the superintendent of public instruction, in collaboration with the health care authority, the department of health, and the liquor and cannabis board, must review and align the healthy youth survey with the model ((~~transgender student~~)) policy and procedure relating to gender inclusive schools developed under RCW 28A.642.080.

**Sec.**  RCW 28A.600.477 and 2023 c 242 s 4 are each amended to read as follows:

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary a policy and procedure prohibiting harassment, intimidation, and bullying of any student and that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section.

(b) School districts must share the policy and procedure prohibiting harassment, intimidation, and bullying with parents or guardians, students, volunteers, and school employees in accordance with the rules adopted by the office of the superintendent of public instruction. This requirement as it relates to students, parents, and guardians may be satisfied by using the model student handbook language in RCW 28A.300.286.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying. In addition to other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policy and procedure prohibiting harassment, intimidation, and bullying;

(B) Receive copies of all formal and informal complaints relating to harassment, intimidation, or bullying;

(C) Communicate with the school district employees responsible for monitoring school district compliance with chapter 28A.642 RCW prohibiting discrimination in public schools, and the primary contact regarding the school district's policies and procedures related to ((~~transgender students~~)) gender inclusive schools under RCW 28A.642.080; and

(D) Serve as the primary contact between the school district, the office of the education ombuds, and the office of the superintendent of public instruction on the policy and procedure prohibiting harassment, intimidation, and bullying.

(ii) The primary contact from each school district must attend at least one training class as provided in subsection (4) of this section, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's policies and procedures relating to ((~~transgender students~~)) gender inclusive schools under RCW 28A.642.080 and the primary contact regarding school district compliance with nondiscrimination laws under RCW 28A.300.286.

(2) School districts are encouraged to adopt and update the policy and procedure prohibiting harassment, intimidation, and bullying through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model policy and procedure prohibiting harassment, intimidation, and bullying.

(b) Each school district must provide to the office of the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials prohibiting harassment, intimidation, and bullying to be posted on the office of the superintendent of public instruction's school safety center website, and must also provide the office of the superintendent of public instruction with a link to the school district's website for further information. The school district's primary contact for harassment, intimidation, and bullying issues must annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(c) The office of the superintendent of public instruction must publish on its website, with a link to the school safety center website, the revised and updated model policy and procedure prohibiting harassment, intimidation, and bullying, along with training and instructional materials on the components that must be included in any school district policy and procedure prohibiting harassment, intimidation, and bullying. By September 1, 2019, the office of the superintendent of public instruction must adopt rules regarding school districts' communication of the policy and procedure prohibiting harassment, intimidation, and bullying to parents, students, employees, and volunteers.

(4) By December 31, 2020, the office of the superintendent of public instruction must develop a statewide training class for those people in each school district who act as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (1) of this section. The training class must be offered on an annual basis by educational service districts in collaboration with the office of the superintendent of public instruction. The training class must be based on the model policy and procedure prohibiting harassment, intimidation, and bullying as provided in subsection (3) of this section and include materials related to hazing and the Washington state school directors' association model ((~~transgender student~~)) policy and procedure relating to gender inclusive schools as provided in RCW 28A.642.080.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

(b)(i) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(A) Physically harms a student or damages the student's property;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school.

(ii) Nothing in (b)(i) of this subsection requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

**Sec.**  RCW 28A.642.090 and 2023 c 242 s 2 are each amended to read as follows:

(1) Each school district shall designate one person in the school district as the primary contact regarding school district compliance with this chapter. In addition to any other duties required by law and the school district, the primary contact must:

(a) Ensure that complaints of discrimination communicated to the school district are promptly investigated and resolved; and

(b) Communicate with the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477, and the primary contact regarding the school district's policies and procedures related to ((~~transgender students~~)) gender inclusive schools under RCW 28A.642.080.

(2) The primary contact may also serve as the primary contact regarding the school district's policy and procedure prohibiting harassment, intimidation, and bullying under RCW 28A.600.477 and the primary contact regarding the school district's policy and procedure related to ((~~transgender students~~)) gender inclusive schools under RCW 28A.642.080.

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