

SHB 1296 - H AMD TO H AMD (H-1828.2/25) 441

By Representative Volz

OUT OF ORDER 03/12/2025

1 On page 5, after line 22 of the striking amendment, insert the  
2 following:

3  
4 "Sec. 104. RCW 28A.600.200 and 2012 c 155 s 2 are each amended  
5 to read as follows:

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

17 (2) The voluntary nonprofit entity shall not discriminate in  
18 connection with employment or membership upon its governing board,  
19 or otherwise in connection with any function it performs, on the  
20 basis of race, creed, national origin, sex or marital status(~~(+~~

21 ~~(+2)(a))~~) (3) Any rules and policies adopted and applied by the  
22 voluntary nonprofit entity that governs student participation in any  
23 interschool activity shall be written(~~(+~~) and

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

1        ~~((3)(a))~~ (4) The association or other voluntary nonprofit  
2 entity is authorized to impose penalties for rules violations upon  
3 coaches, school district administrators, school administrators, and  
4 students, as appropriate, to punish the offending party or parties ~~((+~~  
5 ~~(b) No~~), but no penalty may be imposed on a student or students  
6 unless the student or students knowingly violated the rules or  
7 unless a student gained a significant competitive advantage or  
8 materially disadvantaged another student through a rule violation ~~((+~~  
9 ~~(c)~~). Any penalty that is imposed for rules violations must be  
10 proportional to the offense ~~((+~~  
11 ~~(d) Any~~), and any decision resulting in a penalty shall be  
12 considered a decision of the school district conducting the activity  
13 in which the student seeks to participate or was participating and  
14 may be appealed pursuant to RCW 28A.600.205 and 28A.645.010 through  
15 28A.645.030.

16        ~~((4))~~ (5) The school districts, Washington interscholastic  
17 activities association districts, and leagues that participate in  
18 the interschool extracurricular activities shall not impose more  
19 severe penalties for rule violations than can be imposed by the  
20 rules of the association or the voluntary nonprofit entity.

21        ~~((5))~~ (6) Policies, procedures, rules, and other requirements  
22 adopted by a school district or a voluntary nonprofit entity in  
23 accordance with this section must conform with section 105 of this  
24 act.

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

28

29        NEW SECTION. Sec. 105. A new section is added to chapter 28A.  
30 600 RCW to read as follows:

31        (1) Policies, procedures, rules, and other requirements adopted  
32 in accordance with RCW 28A.600.200 by a school district board of  
33 directors or a voluntary nonprofit entity may, for purposes of  
34 protecting students' safety, prohibit biologically male students

1 from competing with and against female students in athletic  
2 activities with separate classifications for male and female  
3 students if the athletic activity is:

- 4 (a) Intended for female students; and
- 5 (b) An individual or team competition activity.

6 (2) A dispute regarding a student's sex must be resolved by the  
7 school district by requesting that the student provide a health  
8 examination and consent form or other statement signed by the  
9 student's personal health care provider that verifies the student's  
10 biological sex. The health care provider may verify the student's  
11 biological sex as part of a routine sports physical examination  
12 relying only on one or more of the following: The student's  
13 reproductive anatomy, genetic makeup, or normal endogenously  
14 produced testosterone levels.

15

16 **Sec. 106.** RCW 28A.640.020 and 2023 c 242 s 3 are each amended  
17 to read as follows:

18 (1) The superintendent of public instruction shall develop  
19 regulations and guidelines to eliminate sex discrimination as it  
20 applies to public school employment, counseling and guidance  
21 services to students, recreational and athletic activities for  
22 students, access to course offerings, and in textbooks and  
23 instructional materials used by students.

24 (a) Specifically with respect to public school employment, all  
25 schools shall be required to:

26 (i) Maintain credential requirements for all personnel without  
27 regard to sex;

28 (ii) Make no differentiation in pay scale on the basis of sex;

29 (iii) Assign school duties without regard to sex except where  
30 such assignment would involve duty in areas or situations, such as  
31 but not limited to a shower room, where persons might be disrobed;

32 (iv) Provide the same opportunities for advancement to males and  
33 females; and

34

1 (v) Make no difference in conditions of employment including,  
2 but not limited to, hiring practices, leaves of absence, hours of  
3 employment, and assignment of, or pay for, instructional and  
4 noninstructional duties, on the basis of sex.

5 (b) Specifically with respect to counseling and guidance  
6 services for students, they shall be made available to all students  
7 equally. All certificated personnel shall be required to stress  
8 access to all career and vocational opportunities to students  
9 without regard to sex.

10 (c) Specifically with respect to recreational and athletic  
11 activities, they shall be offered to all students without regard to  
12 sex, except as provided in section 105 of this act. Schools may  
13 provide separate teams for each sex. Schools which provide the  
14 following shall do so with no disparities based on sex: Equipment  
15 and supplies; medical care; services and insurance; transportation  
16 and per diem allowances; opportunities to receive coaching and  
17 instruction; laundry services; assignment of game officials;  
18 opportunities for competition, publicity and awards; scheduling of  
19 games and practice times including use of courts, gyms, and pools:  
20 PROVIDED, That such scheduling of games and practice times shall be  
21 determined by local administrative authorities after consideration  
22 of the public and student interest in attending and participating in  
23 various recreational and athletic activities. Each school which  
24 provides showers, toilets, or training room facilities for athletic  
25 purposes shall provide comparable facilities for both sexes. Such  
26 facilities may be provided either as separate facilities or shall be  
27 scheduled and used separately by each sex.

28 The superintendent of public instruction shall also be required  
29 to develop a student survey to distribute every three years to each  
30 local school district in the state to determine student interest for  
31 male/female participation in specific sports.

32 (d) Specifically with respect to course offerings, all classes  
33 shall be required to be available to all students without regard to  
34

1 sex: PROVIDED, That separation is permitted within any class during  
2 sessions on sex education or gym classes.

3 (e) Specifically with respect to textbooks and instructional  
4 materials, which shall also include, but not be limited to,  
5 reference books and audiovisual materials, they shall be required to  
6 adhere to the guidelines developed by the superintendent of public  
7 instruction to implement the intent of this chapter: PROVIDED, That  
8 this subsection shall not be construed to prohibit the introduction  
9 of material deemed appropriate by the instructor for educational  
10 purposes.

11 (2)(a) By December 31, 1994, the superintendent of public  
12 instruction shall develop criteria for use by school districts in  
13 developing sexual harassment policies as required under (b) of this  
14 subsection. The criteria shall address the subjects of grievance  
15 procedures, remedies to victims of sexual harassment, disciplinary  
16 actions against violators of the policy, and other subjects at the  
17 discretion of the superintendent of public instruction. Disciplinary  
18 actions must conform with collective bargaining agreements and state  
19 and federal laws. The superintendent of public instruction also  
20 shall supply sample policies to school districts upon request.

21 (b) By June 30, 1995, every school district shall adopt and  
22 implement a written policy concerning sexual harassment. The policy  
23 shall apply to all school district employees, volunteers, parents,  
24 and students, including, but not limited to, conduct between students.

25 (c) School district policies on sexual harassment shall be  
26 reviewed by the superintendent of public instruction considering the  
27 criteria established under (a) of this subsection as part of the  
28 monitoring process established in RCW 28A.640.030.

29 (d) The school district's sexual harassment policy shall be  
30 conspicuously posted throughout each school building, and provided  
31 to each employee. A copy of the policy shall appear in any  
32 publication of the school or school district setting forth the  
33 rules, regulations, procedures, and standards of conduct for the  
34 school or school district. This requirement as it relates to

1 students, parents, and guardians may be satisfied by using the model  
2 student handbook language in RCW 28A.300.286.

3 (e) Each school shall develop a process for discussing the  
4 district's sexual harassment policy. The process shall ensure the  
5 discussion addresses the definition of sexual harassment and issues  
6 covered in the sexual harassment policy.

7 (f) "Sexual harassment" as used in this section means unwelcome  
8 sexual advances, requests for sexual favors, sexually motivated  
9 physical contact, or other verbal or physical conduct or  
10 communication of a sexual nature if:

11 (i) Submission to that conduct or communication is made a term  
12 or condition, either explicitly or implicitly, of obtaining an  
13 education or employment;

14 (ii) Submission to or rejection of that conduct or communication  
15 by an individual is used as a factor in decisions affecting that  
16 individual's education or employment; or

17 (iii) That conduct or communication has the purpose or effect of  
18 substantially interfering with an individual's educational or work  
19 performance, or of creating an intimidating, hostile, or offensive  
20 educational or work environment."

21  
22 Renumber the remaining sections consecutively and correct any  
23 internal references accordingly.

EFFECT: (1) Permits school districts and non-profit entities that have been granted authority by school districts to exercise control over interschool athletic activities to, for purposes of protecting students' safety, prohibit biologically male students from competing with and against female students in athletic activities with separate classifications for male and female students if the athletic activity is: (a) intended for female students; and (b) an individual or team competition activity.

(2) Establishes resolution requirements for disputes regarding a student's sex.

(3) Makes corresponding changes in nondiscrimination and interscholastic activity provisions.

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