

**Chapter 162-28 WAC**  
**PUBLIC SCHOOLS—EQUAL EDUCATION—EQUAL RIGHTS—NATIONAL ORIGIN MINORITY**  
**GROUP CHILDREN**

Last Update: 12/21/99

**WAC**

162-28-030      Schools are places of public accommodation.  
162-28-040      English language limitations and national origin discrimination.

**WAC 162-28-030 Schools are places of public accommodation. (1)**

All public and private schools and other educational facilities in the state of Washington, except those operated or maintained by a bona fide religious or sectarian institution, are "places of public resort, accommodation, assemblage or amusement" for purposes of the Washington state law against discrimination, chapter 49.60 RCW.

(2) Definition: In this chapter, the following words are used in the meaning given, unless the context clearly indicates another meaning.

"Protected status" is short for the phrase, "race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person," and means the full phrase (see RCW 49.60.215).

(3) Except for conditions and limitations established by law and applicable to all persons, regardless of protected status, it is an unfair practice under RCW 49.60.215 for public and private schools or educational facilities or their agents or employees, on the basis of protected status, to:

(a) Commit any act which directly or indirectly results in any distinction, restriction or discrimination;

(b) Require any person to pay a larger sum than the uniform rates charged other persons;

(c) Refuse or withhold from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in a place of public accommodation.

[Statutory Authority: RCW 49.60.120(3). WSR 00-01-177, § 162-28-030, filed 12/21/99, effective 1/21/00; Order 17, § 162-28-030, filed 6/28/74.]

**WAC 162-28-040 English language limitations and national origin discrimination.**

It is an unfair practice for public and private schools to fail or refuse to provide equal educational opportunity to children who are deficient in English language skills because of their national origin. Schools attended by such children shall meet the following standards:

(1) Where inability to speak and understand the English language excludes children based on national origin from effective participation, the district must take steps to ensure all programs and activities do not bar such students from fully participating.

(2) The steps taken under part (1) shall build competency in the English language without detriment to the children's skills in other languages, and without impairing or suppressing the children's cultural identity and heritage. The steps may include bilingual education. The appropriateness of particular steps to be taken will depend in part on the number of children who require this service.

(3) Students who are deficient in English language skills because of their national origin must not be assigned to special education classes for students with mental or other disabilities solely on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny children based on their national origin access to college preparatory courses on a basis directly related to the failure of the school system to address English language deficiencies.

(4) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of children based on their national origin must be designed to meet such language skill needs as soon as possible and must not operate as an educational deadend or permanent track.

(5) School districts have the responsibility to adequately notify parents, regardless of their national origin, of school activities which are called to the attention of other parents. In order to be adequate, such notice may have to be provided in a language other than English.

[Statutory Authority: RCW 49.60.120(3). WSR 00-01-177, § 162-28-040, filed 12/21/99, effective 1/21/00; Order 17, § 162-28-040, filed 6/28/74.]