

WSR 25-05-016

PROPOSED RULES

STUDENT ACHIEVEMENT COUNCIL

[Filed February 7, 2025, 12:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-22-092.

Title of Rule and Other Identifying Information: College in the high school by private not-for-profit institutions of higher education; attesting to the adoption of nondiscrimination policies in order to participate in the college in the high school pilot program.

Hearing Location(s): On March 26, 2025, at 9 a.m., via Zoom at <https://wsac-wa-gov.zoom.us/j/87142392045?pwd=WFYYnZgab0lBAq7sJEv4l7lh1lKT2A.1>. The meeting will be recorded.

Date of Intended Adoption: April 22, 2025.

Submit Written Comments to: Rathi Sudhakara, P.O. Box 43430, Olympia, WA 98504, email rathis@wsac.wa.gov, 360-485-1212, beginning February 7, 2025, 12 p.m., by March 26, 2025, 9 a.m.

Assistance for Persons with Disabilities: Contact Crystal Hall, phone 360-485-1203, email crystalh@wsac.wa.gov, by March 14, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Private not-for-profit institutions of higher education to adopt nondiscrimination policies, if they have not done so, and signing an affidavit in order to participate in the college in the high school pilot program.

Statutory Authority for Adoption: RCW 28B.77.050 Rule-making authority.

Statute Being Implemented: RCW 28B.10.065.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington student achievement council, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Rathi Sudhakara, 917 Lakeridge Way S.W., Olympia, WA 98504, 360-485-1212.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

February 6, 2025

Crystal Hall

Director of Operations and Administration

RDS-6003.3

Chapter 250-110 WAC

**COLLEGE IN THE HIGH SCHOOL BY PRIVATE NOT-FOR-PROFIT INSTITUTIONS OF
HIGHER EDUCATION**NEW SECTION

WAC 250-110-010 Purpose—Adoption of nondiscrimination policies to participate in the college in the high school pilot program. The purpose of this chapter is to establish administrative rules implementing chapter 28B.10 RCW, RCW 28B.10.065, requiring adoption of nondiscrimination policies pertaining to private not-for-profit institutions for them to participate in the college in the high school pilot program.

NEW SECTION

WAC 250-110-015 Definitions. (1) "Education programs and activities" shall mean all instructional, research, and instruction and research related activities of the institution, including internships, teaching and research assistantships, and cooperative education, at all levels of study.

(2) "Institution" shall mean a four-year, private, nonprofit educational institution, the main campus of which is permanently situated in the state, which is open to residents of the state, which neither restricts entry on racial or religious grounds, which provides programs of education beyond high school leading at least to the baccalaureate degree, and which is accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the council for higher education.

NEW SECTION

WAC 250-110-020 Participation in the college in the high school pilot program. An institution is not eligible to participate in the college in the high school pilot program if an affidavit attesting the adoption of nondiscrimination policies by the institution is not signed.

The affidavit must attest to the following nondiscrimination policies:

(1) **Education programs and activities.** Institution shall ensure that all education programs and activities are operated free of discrimination. Students shall not be discriminated on the basis of student's age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with disability, unless based upon bona fide qualification of the education program.

(2) **Employment activities.**

(a) Institution shall not refuse to hire, promote, or confer tenure to any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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, unless based upon bona fide occupational qualification.

(i) Institution is not prohibited from refusing employment if the particular disability prevents the proper performance of the particular work involved.

(ii) Institution is not required to establish employment goals or quotas based on sexual orientation.

(b) Institution shall not discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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.

(c) Institution shall not discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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.

Institution is not prohibited from segregating washrooms or locker room facilities on the basis of sex, or basing other terms and conditions of employment on the sex of employees where the Washington state human rights commission has by regulation or ruling in a particular instance found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(d) Institution shall not print or circulate any statement, or advertisement, or publication that expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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.

(i) Institution shall not use any form of application for employment or make an inquiry in connection with prospective employment that expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or 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, unless based upon a bona fide occupational qualification.

(ii) Institutions are not prohibited from advertising in a foreign language.

(3) Theology academy programs and campus ministry departments.

Participation in the theology academic programs and campus ministry departments at the institution, including employment, promotion, or granting of tenure of faculty members for courses of study in theology, are exempt from the requirements of this chapter.