

NEW SECTION. Sec. 4. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House June 3, 1975.

Passed the Senate May 30, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 226

[Substitute House Bill No. 413]

PUBLIC SCHOOLS—SEX EQUALITY

AN ACT Relating to education; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof; and providing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. Inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state is a breach of Article XXXI, section 1, Amendment 61, of the Washington state Constitution, requiring equal treatment of all citizens regardless of sex. This violation of rights has had a deleterious effect on the individuals affected and on society. Recognizing the benefit to our state and nation of equal educational opportunities for all students, discrimination on the basis of sex for any student in grades K-12 of the Washington public schools is prohibited.

NEW SECTION. Sec. 2. The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

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

- (a) Maintain credential requirements for all personnel without regard to sex;
- (b) Make no differentiation in pay scale on the basis of sex;
- (c) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed.
- (d) Provide the same opportunities for advancement to males and females; and
- (e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

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

(3) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities

based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools; PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

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

(4) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

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

NEW SECTION. Sec. 3. The office of the superintendent of public instruction shall be required to monitor the compliance by local school districts with this chapter, shall establish a compliance timetable and regulations for enforcement of this chapter, and shall establish guidelines for affirmative action programs to be adopted by all school districts.

NEW SECTION. Sec. 4. Any person aggrieved by a violation of this chapter, or aggrieved by the violation of any regulation or guideline adopted hereunder, shall have a right of action in superior court for civil damages and such equitable relief as the court shall determine.

NEW SECTION. Sec. 5. The superintendent of public instruction shall have the power to enforce and obtain compliance with the provisions of this chapter and the regulations and guidelines adopted pursuant thereto by appropriate order made pursuant to chapter 34.04 RCW, which order, by way of illustration, may include, the termination of all or part of state apportionment or categorical moneys to the offending school district, the termination of specified programs in which violations may be flagrant within the offending school district, the institution of a mandatory affirmative action program within the offending school district, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved.

NEW SECTION. Sec. 6. This chapter shall be supplementary to, and shall not supersede, existing law and procedures and future amendments thereto relating to unlawful discrimination based on sex.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are added to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW as a new chapter thereof.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House June 9, 1975.

Passed the Senate June 8, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

CHAPTER 227

[Substitute House Bill No. 428]

STATE HIGHWAY COMMISSION—APPROPRIATIONS

AN ACT Relating to expenditures by the Washington state highway commission; making appropriations and authorizing expenditures for the biennium ending June 30, 1977; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is hereby appropriated to the Washington state highway commission from the motor vehicle fund for the biennium ending June 30, 1977 \$68,259,972 consisting of \$50,680,000 from federal funds and \$17,579,972 from local funds or so much thereof as shall be necessary for reimbursable expenditures for the location, design, right of way, and construction on city streets and county roads, and other nonstate highways, including the unexpended balances of the funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951, chapter 311, Laws of 1955, and in chapter 121, Laws of 1965; for reimbursable expenditures on cooperative projects authorized by state and/or federal law; for expenditures to be reimbursed through federal emergency relief acts, reimbursable expenditures for maintenance on city streets, county roads and other nonstate highways, reimbursable expenditures for miscellaneous sales and services to others, reimbursement for all of the above expenditures to be substantially contemporaneous with the expenditures: PROVIDED, That the Washington state highway commission may expend from this appropriation, if necessary, not to exceed \$100,000 for each of the fiscal years of 1976 and 1977 to meet obligations arising from the Vernita toll bridge bond covenants and RCW 47.56.702 and any payments made pursuant to this proviso shall constitute a loan and shall be repaid from tolls on the bridge which shall be continued until such loan is fully repaid: PROVIDED FURTHER, That the Washington state highway commission shall conduct a feasibility study of an appropriate overhead charge for reimbursable activities and shall report such study findings and recommendations to the house and senate transportation and utilities committees by January 15, 1976.

NEW SECTION. Sec. 2. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission, the sum of \$985,000, or so much thereof as may be necessary for the completion of the construction of two lanes plus necessary interchange structures for a connection to The Evergreen