

sports programs, others involved in interscholastic and intercollegiate athletic programs, and the media. The conference shall be held during the 1990 calendar year. The purposes of the conference include, but are not limited to:

- (1) Identifying barriers to achieving equitable participation and scholarship opportunities for female athletes;
- (2) Identifying measures, such as tuition waivers, to achieve equal opportunities for male and female athletes in intercollegiate and interscholastic athletic programs;
- (3) Helping women take leadership roles in athletic programs;
- (4) Encouraging the media to report and publicize girls' and womens' sports programs;
- (5) Providing an opportunity for coaches and other professionals to receive needed certification;
- (6) Identifying measures to encourage women to become coaches and administrators of sports programs; and
- (7) Improving communication and cooperation among athletic personnel from higher education, the common schools, and community sports programs.

Passed the House March 14, 1989.

Passed the Senate April 23, 1989.

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## CHAPTER 340

[Substitute House Bill No. 2020]

### GENDER EQUITY—INTERCOLLEGIATE ATHLETICS—TUITION AND FEE WAIVERS

AN ACT Relating to tuition and fees waivers and other activities for achieving gender equity; amending RCW 28B.15.740; adding new sections to chapter 28B.15 RCW; creating a new section; and providing an expiration date.

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

**NEW SECTION.** Sec. 1. The legislature finds that the ratio of women to men in intercollegiate athletics in Washington's higher education system is inequitable. It is the intent of the legislature, through additional tuition and fee waivers, to achieve gender equity in intercollegiate athletics.

Sec. 2. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in

whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3).

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section and subject to the provisions of sections 3 and 4 of this act, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

NEW SECTION. Sec. 3. Institutions of higher education shall strive to accomplish the following goals:

(1) Provide the following benefits and services equitably to male and female athletes participating in intercollegiate athletic programs: Equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide access to comparable facilities for both males and females.

(2) Provide equitable intercollegiate athletic opportunities for male and female students including opportunities to participate and to receive the benefits of the services listed in subsection (1) of this section.

(3) Provide participants with female and male coaches and administrators to act as role models.

**NEW SECTION.** Sec. 4. (1) An institution of higher education shall not grant any waivers for the purpose of achieving gender equity until the 1991-92 academic year, and may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act, for the 1991-92 academic year only if the institution's governing board has adopted a plan for complying with the provisions of section 3 of this act and submitted the plan to the higher education coordinating board.

(2) Beginning in the 1992-93 academic year, an institution of higher education shall not grant any waiver for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in section 2 of this act unless the institution's plan has been approved by the higher education coordinating board.

(3) The plan shall include, but not be limited to:

(a) For any institution with an underrepresented gender class, provisions that ensure that by July 1, 1994, the institution shall provide athletic opportunities for the underrepresented gender class at a rate that meets or exceeds the rate at which that class participates in high school interscholastic athletics in Washington state not to exceed the point at which the underrepresented gender class is no longer underrepresented;

(b) Activities to be undertaken by the institution to increase participation rates of any underrepresented gender class in interscholastic and intercollegiate athletics. These activities may include, but are not limited to: Sponsoring equity conferences, coaches clinics and sports clinics; and taking a leadership role in working with athletic conferences to reduce barriers to participation by those gender classes in interscholastic and intercollegiate athletics;

(c) An identification of barriers to achieving and maintaining equitable intercollegiate athletic opportunities for men and women; and

(d) Measures to achieve institutional compliance with the provisions of section 3 of this act.

**NEW SECTION.** Sec. 5. (1) The higher education coordinating board shall report biennially, beginning December 1992, to the governor and the house of representatives and senate committees on higher education, on institutional efforts to comply with the requirements of sections 2 through 4 of this act. Each report shall include recommendations on measures to assist institutions with compliance. The first report shall also include a recommendation on whether to grant this waiver authority to community college governing boards.

(2) Before the board makes its report in December 1994, the board shall assess the extent of institutional compliance with the requirements of sections 2 through 4 of this act. The 1994 report shall include a recommendation on whether to continue this waiver authority.

**NEW SECTION.** Sec. 6. (1) As used in and for the limited purposes of sections 1 and 3 through 5 of this act and RCW 28B.15.740, "underrepresented gender class" means female students or male students, where the ratio of participation of female or male students, respectively, in intercollegiate athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled as undergraduates at an institution.

(2) As used in and for the limited purpose of subsection 4(b) of this act, an "underrepresented gender class" in interscholastic athletics means female students or male students, where the ratio of participation of female or male students, respectively, in K-12 interscholastic athletics is less than approximately the ratio of female to male students or male to female students, respectively, enrolled in K-12 public schools in Washington.

**NEW SECTION.** Sec. 7. Nothing in this act shall be construed to excuse any institution from any more stringent requirement to achieve gender equity imposed by law, nor to permit any institution to decrease participation of any underrepresented gender class.

**NEW SECTION.** Sec. 8. Sections 1 and 3 through 6 of this act are each added to chapter 28B.15 RCW.

**NEW SECTION.** Sec. 9. This act shall expire on June 30, 1997.

Passed the House April 22, 1989.

Passed the Senate April 21, 1989.

Approved by the Governor May 12, 1989.

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