

Washington State Law re: Elimination of unlawful discrimination in public schools

RCW (Revised Code of Washington) 28A.642.010

WAC (Washington Administrative Code) 392-190-005

HB (House Bill) 3026 -- civil rights in schools – passed in 2010

Prime sponsor: Rep. Sharon Tomiko-Santos

Background

Since 2006, Washington State law has prohibited discrimination in employment (which applies to teachers) and public accommodations (which applies to students) on the basis of sexual orientation, gender expression and identity, and HIV status (as well as race, creed, religion, color, national origin, honorably discharged veteran or military status, and disability). Individuals could file discrimination complaints with the Washington State Human Rights Commission. But there was no state agency with authority, short of a specific claim of discrimination, to monitor or enforce the law.

HB 3026: What it did

In a nutshell, it gave the law teeth in 2010 with respect to schools.

Engrossed Substitute House Bill 3026 established a new chapter in the Common School Code of Washington State (RCW 28A.642.010) that prohibits discrimination based on race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of trained dog guide or service animal by a person with a disability.

The law authorized the Office of the Superintendent of Public Instruction (OSPI) to make [rules and regulations](#) to eliminate discrimination and – this is the crucial piece -- to monitor local school district compliance with the anti-discrimination policies.

Under prior law, the protected classes identified in E2SHB 3026 are required to file complaints with the Washington State Human Rights Commission or file a civil suit in order to seek relief from actual or perceived discrimination. This legislation enabled the OSPI to help *preclude* litigation against school districts through compliance monitoring and dispute resolution.