



Office of Superintendent of Public Instruction  
Chris Reykdal, State Superintendent

All students prepared  
for post-secondary pathways,  
careers, & civic engagement.

December 12, 2019

( ) Action Required  
( X ) Informational

BULLETIN NO. 089-19 LEGAL AFFAIRS

TO: Educational Service District Superintendents  
School District Superintendents  
School District Business Managers  
Public Charter Schools  
School District and Charter School Civil Rights Compliance Coordinators

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: New Requirements Related to Nondiscrimination Policies and Procedures

CONTACT: Sarah Albertson, Director and Managing Attorney, Equity and Civil Rights  
360-725-6162, [equity@k12.wa.us](mailto:equity@k12.wa.us)

## PURPOSE

During the 2019 regular session, the Legislature passed [Senate Bill \(SB\) 5689](#) concerning harassment, intimidation, bullying (HIB), and discrimination in public schools. Sections of this bill include new requirements for school districts regarding nondiscrimination policies and procedures, notifications, and designated coordinators. This bulletin contains a summary of the new requirements related to nondiscrimination, which are now codified in Revised Code of Washington (RCW) [28A.642.080](#).

## BACKGROUND

State law prohibits discrimination in Washington public schools on the basis of gender identity and gender expression.<sup>1</sup> In 2012, the Office of Superintendent of Public Instruction (OSPI) published guidelines, [Prohibiting Discrimination in Washington Public Schools: Guidelines for school districts to implement chapters 28A.640 and 28A.642 RCW and chapter 392-190 WAC](#), that constitute OSPI's interpretation of school districts' obligations under state and federal nondiscrimination laws. The 2012 guidelines address standards for what nondiscrimination on the basis of gender identity or gender expression means—namely, that all students have the right to be treated consistent with their asserted gender identity and gender expression while at school.

---

<sup>1</sup> RCW 28A.642.010. The Washington Law Against Discrimination, chapter 49.60 RCW, also prohibits discrimination on the basis of gender identity and gender expression in public schools.

## **NEW REQUIREMENTS**

### **Adopt Gender-Inclusive Schools Policy and Procedure**

By January 31, 2020, each school district must adopt or amend, if necessary, policies and procedures that, at a minimum, incorporate all the elements of the Washington State School Directors' Association (WSSDA) model "Gender-Inclusive Schools" policy and procedure, 3211/3211P. This policy and procedure are updated versions of WSSDA's formerly titled "Transgender Students" and are available at no cost on WSSDA's [Featured Policies](#) webpage.

### **Provide Annual Notification of Gender-Inclusive Schools Policy and Procedure**

School districts must share this policy and procedure with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by OSPI. To do so, OSPI recommends school districts use the same method used to provide annual notice of the district's discrimination complaint procedure, as outlined in WAC [392-190-060\(2\)](#).

### **Designate Gender-Inclusive Schools Coordinator**

School districts must also designate one person in the district as the primary contact regarding the Gender-Inclusive Schools policy. This primary contact must:

- Ensure the implementation of the policy and procedure;
- Receive copies of all formal and informal complaints;
- Communicate with employees responsible for monitoring compliance; and
- Serve as the primary contact between the school district, the Office of Education Ombuds, and OSPI.

The school district's designated civil rights compliance coordinator or HIB compliance officer may also serve as this primary contact. The primary contact must attend at least one OSPI training regarding HIB and gender-inclusive schools, which OSPI will make available by December 31, 2020.

## **HARASSMENT, INTIMIDATION, AND BULLYING**

SB 5689 also included revisions to the Prohibition of Harassment, Intimidation, and Bullying statute, which is now codified at RCW [28A.600.477](#). Of note, by January 31, 2020, each school district must adopt or amend, if necessary, a policy and procedure that, at a minimum, incorporates the WSSDA model "Harassment, Intimidation, and Bullying" policy and procedure, 3207/3207P. This policy and procedure is available at no cost on WSSDA's [Featured Policies](#) webpage.

BULLETIN NO. 089-19 LA  
December 12, 2019  
Page 3

## **INFORMATION AND ASSISTANCE**

For questions regarding this bulletin or discrimination in public schools, please contact the Equity and Civil Rights Office at 360-725-6162 or email [equity@k12.wa.us](mailto:equity@k12.wa.us). The OSPI TTY number is 360-664-3631.

For questions regarding harassment, intimidation, or bullying of students, please contact Mike Donlin, School Safety Center Program Supervisor, at 360-725-6040 or email [mike.donlin@k12.wa.us](mailto:mike.donlin@k12.wa.us).

This bulletin is also available on the [Bulletins and Memos](#) page of the OSPI website.

Jamila B. Thomas  
Chief of Staff

Dierk Meierbachtol  
Chief Legal Officer  
Legal Affairs

Sarah Albertson  
Director and Managing Attorney  
Equity and Civil Rights

CR:js

*OSPI provides equal access to all programs and services without discrimination based on sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability. Questions and complaints of alleged discrimination should be directed to the Equity and Civil Rights Director at 360-725-6162/TTY: 360-664-3631; or P.O. Box 47200, Olympia, WA 98504-7200; or [equity@k12.wa.us](mailto:equity@k12.wa.us).*