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**SENATE BILL 5180**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators C. Wilson and Lias

Prefiled 01/08/25.

1 AN ACT Relating to securing the rights of students to have a  
2 safe, civil, and respectful learning community that is free of  
3 discrimination by ensuring all schools adopt and enforce gender  
4 inclusive protections, policies, and procedures; amending RCW  
5 28A.642.080, 28A.715.020, 28A.300.535, 28A.600.477, and 28A.642.090;  
6 adding a new section to chapter 28A.400 RCW; and creating a new  
7 section.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington  
10 state has long been at the forefront of recognizing that student  
11 success is dependent on providing every student with a safe,  
12 inclusive learning environment, free of harassment and discrimination  
13 in all forms.

14 (2) In 2010, the legislature created expansive provisions  
15 specific to public schools clearly stating that all students have the  
16 right to exist free from discrimination based on race, creed, color,  
17 national origin, honorably discharged veteran or military status,  
18 sexual orientation including gender expression or identity, the  
19 presence of any sensory, mental, or physical disability, or the use  
20 of a trained dog guide or service animal by a person with a  
21 disability.

1 (3) The legislature directed the office of the superintendent of  
2 public instruction to monitor and enforce compliance with this law.  
3 To this end, in 2012, the office of the superintendent of public  
4 instruction adopted guidelines for school districts related to  
5 prohibiting discrimination in public schools that specifically  
6 addressed gender identity and gender expression and established  
7 protections for transgender students.

8 (4) In 2019, the legislature again took action to protect  
9 students at risk of discriminatory treatment by directing the  
10 Washington state school directors' association to collaborate with  
11 the office of the superintendent of public instruction to develop and  
12 update a model transgender student policy and procedure that  
13 recognized the importance of an inclusive approach toward transgender  
14 and gender-expansive students.

15 (5) In 2020, each school district was required to adopt a policy  
16 and procedure that incorporated all the elements of the model policy.  
17 The legislature finds, unfortunately, that some school districts are  
18 not necessarily implementing the model policy and are reading  
19 ambiguity into the laws related to the specific requirements of this  
20 model policy.

21 (6) The legislature therefore intends to clearly state the  
22 required components of the model policy and procedure, so no  
23 ambiguity remains in the legislative intent to protect all students  
24 from discriminatory treatment in our schools. The legislature further  
25 intends to provide protections for personnel employed by or  
26 contracted with school districts, charter schools, and state-tribal  
27 education compact schools who support students in the exercise of  
28 their rights and perform work activities in a manner consistent with  
29 state law.

30 **Sec. 2.** RCW 28A.642.080 and 2023 c 242 s 5 are each amended to  
31 read as follows:

32 (1) (a) (i) By January 31, 2020, each school district must adopt or  
33 amend if necessary policies and procedures that, at a minimum,  
34 incorporate all the elements of the model (~~(transgender student)~~)  
35 policy and procedure relating to gender inclusive schools described  
36 in subsection (3) of this section.

37 (ii) At the next regularly scheduled meeting of each school  
38 district board of directors after the effective date of this section,

1 school districts must amend if necessary policies and procedures that  
2 meet the requirements in this section.

3 (b) School districts must share the policies and procedures that  
4 meet the requirements of (a) of this subsection with parents or  
5 guardians, students, volunteers, and school employees in accordance  
6 with rules adopted by the office of the superintendent of public  
7 instruction. This requirement as it relates to students, parents, and  
8 guardians may be satisfied by using the model student handbook  
9 language in RCW 28A.300.286.

10 (c)(i) Each school district must designate one person in the  
11 school district as the primary contact regarding the policies and  
12 procedures relating to (~~transgender students~~) gender inclusive  
13 schools that meet the requirements of (a) of this subsection. In  
14 addition to any other duties required by law and the school district,  
15 the primary contact must:

16 (A) Ensure the implementation of the policies and procedures  
17 relating to (~~transgender students~~) gender inclusive schools that  
18 meet the requirements of (a) of this subsection;

19 (B) Receive copies of all formal and informal complaints relating  
20 to transgender students and gender expansive students;

21 (C) Communicate with the school district employees responsible  
22 for monitoring school district compliance with this chapter, and the  
23 primary contact regarding the school district's policy and procedure  
24 prohibiting harassment, intimidation, and bullying under RCW  
25 28A.600.477; and

26 (D) Serve as the primary contact between the school district, the  
27 office of the education ombuds, and the office of the superintendent  
28 of public instruction on policies and procedures relating to  
29 (~~transgender students~~) gender inclusive schools that meet the  
30 requirements of (a) of this subsection.

31 (ii) The primary contact from each school district must attend at  
32 least one training class as provided in RCW 28A.600.477, once this  
33 training is available.

34 (iii) The primary contact may also serve as the primary contact  
35 regarding the school district's policy and procedure prohibiting  
36 harassment, intimidation, and bullying under RCW 28A.600.477 and the  
37 primary contact regarding school district compliance with  
38 nondiscrimination laws under RCW 28A.300.286.

39 (2) As required by the office of the superintendent of public  
40 instruction, each school district must provide to the office of the

1 superintendent of public instruction its policies and procedures  
2 relating to (~~transgender students~~) gender inclusive schools that  
3 meet the requirements of subsection (1)(a) of this section.

4 (3)(a) By September 1, 2019, and periodically thereafter, the  
5 Washington state school directors' association must collaborate with  
6 the office of the superintendent of public instruction to develop and  
7 update a model (~~transgender student~~) policy and procedure relating  
8 to gender inclusive schools.

9 (b) The elements of the model (~~transgender student~~) policy and  
10 procedure relating to gender inclusive schools must, at a minimum:

11 (i) Incorporate the office of the superintendent of public  
12 instruction's rules and guidelines developed under RCW 28A.642.020 to  
13 eliminate discrimination in Washington public schools on the basis of  
14 gender expression and gender identity (~~and expression~~); (~~address~~)

15 (ii) Address the unique challenges and needs faced by transgender  
16 students and gender-expansive students in public schools; and  
17 (~~describe~~)

18 (iii) Describe the application of the model policy and procedure  
19 prohibiting harassment, intimidation, and bullying, required under  
20 RCW 28A.600.477, to transgender students and gender-expansive  
21 students.

22 (c) The elements of the model policy and procedure relating to  
23 gender inclusive schools must include the following specific  
24 components:

25 (i) That students have the right to be referred to by their  
26 preferred name and pronouns at school;

27 (ii) That students have the right to participate in school-  
28 sponsored athletics or activities, or both, in a manner that is  
29 consistent with their gender expression or gender identity;

30 (iii) That students have the right to use the restroom that  
31 corresponds to their gender expression or gender identity;

32 (iv) That students have the right to dress in a manner that is  
33 consistent with their gender expression or gender identity within the  
34 constraints of the dress codes or uniform established pursuant to the  
35 policies established and allowed by RCW 28A.320.140 and within the  
36 constraints of school district guidelines for dress as they relate to  
37 health and safety issues; and

38 (v) That personnel employed by or contracted with a school  
39 district or educational service district must not disclose any  
40 information related to a student's sexual orientation, gender

1 expression, or gender identity to any person without the student's  
2 consent. School districts must develop procedures consistent with  
3 procedures developed by the office of the superintendent of public  
4 instruction to avoid inadvertent disclosure of student's sexual  
5 orientation, gender expression, or gender identity to other students,  
6 their parents, educational staff, or other third parties without the  
7 student's consent.

8 (d) The office of the superintendent of public instruction and  
9 the Washington state school directors' association must maintain the  
10 model policy and procedure relating to gender inclusive schools on  
11 each agency's website at no cost to school districts.

12 (4) (a) By December 31, 2020, the office of the superintendent of  
13 public instruction must develop online training material available to  
14 all school staff based on the model (~~(transgender student)~~) policy  
15 and procedure relating to gender inclusive schools described in  
16 subsection (3) of this section and the office of the superintendent  
17 of public instruction's rules and guidance as provided under this  
18 chapter.

19 (b) The online training material must describe the role of school  
20 district primary contacts for monitoring school district compliance  
21 with this chapter prohibiting discrimination in public schools, RCW  
22 28A.600.477 related to the policies and procedures prohibiting  
23 harassment, intimidation, and bullying, and this section related to  
24 policies and procedures relating to (~~(transgender students)~~) gender  
25 inclusive schools.

26 (c) The online training material must include best practices for  
27 policy and procedure implementation and cultural change that are  
28 guided by school district experiences.

29 (d) The office of the superintendent of public instruction must  
30 annually notify school districts of the availability of the online  
31 training material.

32 NEW SECTION. Sec. 3. A new section is added to chapter 28A.400  
33 RCW to read as follows:

34 (1) Personnel employed by or contracted with a school district or  
35 educational service district shall not in any manner retaliate or  
36 take adverse action against any employee on the basis that the  
37 employee:

38 (a) Supported a student in the exercise of rights provided under  
39 chapters 28A.640, 28A.642, and 49.60 RCW;

1 (b) Performed work activities in a manner consistent with RCW  
2 28A.642.080; or

3 (c) Used curriculum or instructional materials that address  
4 subject matter related to sexual orientation, gender expression, or  
5 gender identity in accordance with RCW 28A.405.170.

6 (2) Personnel employed by or contracted with a school district or  
7 educational service district may not be required to disclose any  
8 information related to a student's sexual orientation, gender  
9 expression, or gender identity to any person without the student's  
10 consent.

11 (3) This section governs school operation and management under  
12 RCW 28A.710.040 and 28A.715.020 and applies to charter schools  
13 established under chapter 28A.710 RCW and state-tribal education  
14 compact schools subject to chapter 28A.715 RCW.

15 **Sec. 4.** RCW 28A.715.020 and 2024 c 206 s 2 are each amended to  
16 read as follows:

17 (1) A school that is the subject of a state-tribal education  
18 compact must operate according to the terms of its compact executed  
19 in accordance with RCW 28A.715.010.

20 (2) Schools that are the subjects of state-tribal education  
21 compacts are exempt from all state statutes and rules applicable to  
22 school districts and school district boards of directors, except  
23 those statutes and rules made applicable under this chapter and in  
24 the state-tribal education compact executed under RCW 28A.715.010.

25 (3) Each school that is the subject of a state-tribal education  
26 compact must:

27 (a) Provide a curriculum and conduct an educational program that  
28 satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and  
29 28A.230.010 through 28A.230.195, unless an exemption for one or more  
30 of these requirements is expressly included within the state-tribal  
31 education compact;

32 (b) Employ certificated instructional staff as required in RCW  
33 28A.410.010, however such schools may hire noncertificated  
34 instructional staff of unusual competence and in exceptional cases as  
35 specified in RCW 28A.150.203(7);

36 (c) Comply with the employee record check requirements in RCW  
37 28A.400.303 and the mandatory termination and notification provisions  
38 of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

1 (d) Comply with nondiscrimination laws including, but not limited  
2 to, chapter 28A.642 RCW (discrimination prohibition), chapter 28A.640  
3 RCW (sexual equality), chapter 28A.180 RCW (transitional bilingual  
4 instruction program), and chapter 28A.155 RCW (special education);

5 (e) Adhere to generally accepted accounting principles and be  
6 subject to financial examinations and audits as determined by the  
7 state auditor, including annual audits for legal and fiscal  
8 compliance; and

9 (f) Be subject to and comply with legislation enacted after July  
10 28, 2013, governing the operation and management of schools that are  
11 the subject of a state-tribal education compact.

12 (4) No such school may engage in any sectarian practices in its  
13 educational program, admissions or employment policies, or  
14 operations.

15 (5) Nothing in this chapter may limit or restrict any enrollment  
16 or school choice options otherwise available under this title.

17 **Sec. 5.** RCW 28A.300.535 and 2019 c 194 s 3 are each amended to  
18 read as follows:

19 The office of the superintendent of public instruction, in  
20 collaboration with the health care authority, the department of  
21 health, and the liquor and cannabis board, must review and align the  
22 healthy youth survey with the model (~~(transgender student)~~) policy  
23 and procedure relating to gender inclusive schools developed under  
24 RCW 28A.642.080.

25 **Sec. 6.** RCW 28A.600.477 and 2023 c 242 s 4 are each amended to  
26 read as follows:

27 (1)(a) By January 31, 2020, each school district must adopt or  
28 amend if necessary a policy and procedure prohibiting harassment,  
29 intimidation, and bullying of any student and that, at a minimum,  
30 incorporates the model policy and procedure described in subsection  
31 (3) of this section.

32 (b) School districts must share the policy and procedure  
33 prohibiting harassment, intimidation, and bullying with parents or  
34 guardians, students, volunteers, and school employees in accordance  
35 with the rules adopted by the office of the superintendent of public  
36 instruction. This requirement as it relates to students, parents, and  
37 guardians may be satisfied by using the model student handbook  
38 language in RCW 28A.300.286.

1 (c)(i) Each school district must designate one person in the  
2 school district as the primary contact regarding the policy and  
3 procedure prohibiting harassment, intimidation, and bullying. In  
4 addition to other duties required by law and the school district, the  
5 primary contact must:

6 (A) Ensure the implementation of the policy and procedure  
7 prohibiting harassment, intimidation, and bullying;

8 (B) Receive copies of all formal and informal complaints relating  
9 to harassment, intimidation, or bullying;

10 (C) Communicate with the school district employees responsible  
11 for monitoring school district compliance with chapter 28A.642 RCW  
12 prohibiting discrimination in public schools, and the primary contact  
13 regarding the school district's policies and procedures related to  
14 (~~transgender—students~~) gender inclusive schools under RCW  
15 28A.642.080; and

16 (D) Serve as the primary contact between the school district, the  
17 office of the education ombuds, and the office of the superintendent  
18 of public instruction on the policy and procedure prohibiting  
19 harassment, intimidation, and bullying.

20 (ii) The primary contact from each school district must attend at  
21 least one training class as provided in subsection (4) of this  
22 section, once this training is available.

23 (iii) The primary contact may also serve as the primary contact  
24 regarding the school district's policies and procedures relating to  
25 (~~transgender—students~~) gender inclusive schools under RCW  
26 28A.642.080 and the primary contact regarding school district  
27 compliance with nondiscrimination laws under RCW 28A.300.286.

28 (2) School districts are encouraged to adopt and update the  
29 policy and procedure prohibiting harassment, intimidation, and  
30 bullying through a process that includes representation of parents or  
31 guardians, school employees, volunteers, students, administrators,  
32 and community representatives.

33 (3)(a) By September 1, 2019, and periodically thereafter, the  
34 Washington state school directors' association must collaborate with  
35 the office of the superintendent of public instruction to develop and  
36 update a model policy and procedure prohibiting harassment,  
37 intimidation, and bullying.

38 (b) Each school district must provide to the office of the  
39 superintendent of public instruction a brief summary of its policies,  
40 procedures, programs, partnerships, vendors, and instructional and



1 training materials prohibiting harassment, intimidation, and bullying  
2 to be posted on the office of the superintendent of public  
3 instruction's school safety center website, and must also provide the  
4 office of the superintendent of public instruction with a link to the  
5 school district's website for further information. The school  
6 district's primary contact for harassment, intimidation, and bullying  
7 issues must annually by August 15th verify posted information and  
8 links and notify the school safety center of any updates or changes.

9 (c) The office of the superintendent of public instruction must  
10 publish on its website, with a link to the school safety center  
11 website, the revised and updated model policy and procedure  
12 prohibiting harassment, intimidation, and bullying, along with  
13 training and instructional materials on the components that must be  
14 included in any school district policy and procedure prohibiting  
15 harassment, intimidation, and bullying. By September 1, 2019, the  
16 office of the superintendent of public instruction must adopt rules  
17 regarding school districts' communication of the policy and procedure  
18 prohibiting harassment, intimidation, and bullying to parents,  
19 students, employees, and volunteers.

20 (4) By December 31, 2020, the office of the superintendent of  
21 public instruction must develop a statewide training class for those  
22 people in each school district who act as the primary contact  
23 regarding the policy and procedure prohibiting harassment,  
24 intimidation, and bullying as provided in subsection (1) of this  
25 section. The training class must be offered on an annual basis by  
26 educational service districts in collaboration with the office of the  
27 superintendent of public instruction. The training class must be  
28 based on the model policy and procedure prohibiting harassment,  
29 intimidation, and bullying as provided in subsection (3) of this  
30 section and include materials related to hazing and the Washington  
31 state school directors' association model (~~(transgender student)~~)  
32 policy and procedure relating to gender inclusive schools as provided  
33 in RCW 28A.642.080.

34 (5) The definitions in this subsection apply throughout this  
35 section unless the context clearly requires otherwise.

36 (a) "Electronic" means any communication where there is the  
37 transmission of information by wire, radio, optical cable,  
38 electromagnetic, or other similar means.

39 (b) (i) "Harassment, intimidation, or bullying" means any  
40 intentional electronic, written, verbal, or physical act including,

1 but not limited to, one shown to be motivated by any characteristic  
2 in RCW 28A.640.010 and 28A.642.010, or other distinguishing  
3 characteristics, when the intentional electronic, written, verbal, or  
4 physical act:

5 (A) Physically harms a student or damages the student's property;

6 (B) Has the effect of substantially interfering with a student's  
7 education;

8 (C) Is so severe, persistent, or pervasive that it creates an  
9 intimidating or threatening educational environment; or

10 (D) Has the effect of substantially disrupting the orderly  
11 operation of the school.

12 (ii) Nothing in (b)(i) of this subsection requires the affected  
13 student to actually possess a characteristic that is a basis for the  
14 harassment, intimidation, or bullying.

15 **Sec. 7.** RCW 28A.642.090 and 2023 c 242 s 2 are each amended to  
16 read as follows:

17 (1) Each school district shall designate one person in the school  
18 district as the primary contact regarding school district compliance  
19 with this chapter. In addition to any other duties required by law  
20 and the school district, the primary contact must:

21 (a) Ensure that complaints of discrimination communicated to the  
22 school district are promptly investigated and resolved; and

23 (b) Communicate with the primary contact regarding the school  
24 district's policy and procedure prohibiting harassment, intimidation,  
25 and bullying under RCW 28A.600.477, and the primary contact regarding  
26 the school district's policies and procedures related to  
27 (~~transgender students~~) gender inclusive schools under RCW  
28 28A.642.080.

29 (2) The primary contact may also serve as the primary contact  
30 regarding the school district's policy and procedure prohibiting  
31 harassment, intimidation, and bullying under RCW 28A.600.477 and the  
32 primary contact regarding the school district's policy and procedure  
33 related to (~~transgender students~~) gender inclusive schools under  
34 RCW 28A.642.080.

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