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**SENATE BILL 6116**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senator Fortunato

1 AN ACT Relating to the organization of interscholastic athletics;  
2 amending RCW 28A.600.200 and 28B.10.703; adding a new section to  
3 chapter 28A.600 RCW; and adding a new section to chapter 28B.10 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.600  
6 RCW to read as follows:

7 (1) Except as provided in subsection (5) of this section,  
8 interschool athletic activities and other interschool extracurricular  
9 activities of an athletic nature, including those administered by a  
10 school district board of directors under RCW 28A.600.200, must be  
11 organized using the following groupings for the purposes of  
12 participation and competition:

13 (a) Students who have the same kind of sex chromosome (xx) who  
14 identify as a woman or girl;

15 (b) Students who have the same kind of sex chromosome (xx) who  
16 identify as a man or boy;

17 (c) Students who have two different kinds of sex chromosomes (xy)  
18 who identify as a man or boy;

19 (d) Students who have two different kinds of sex chromosomes (xy)  
20 who identify as a woman or girl; and

1 (e) Students who do not meet the criteria in (a) through (d) of  
2 this subsection.

3 (2) For the purposes of this section, a student's eligibility for  
4 a particular grouping may be determined by any medical documentation  
5 that demonstrates the chromosomal makeup of the student.

6 (3)(a) Any student who is deprived of an athletic opportunity or  
7 suffers any direct or indirect harm as a result of a violation of  
8 this section has a private cause of action for injunctive relief,  
9 damages, and any other relief available under law against the school  
10 district.

11 (b) Any student who is subject to retaliation or other adverse  
12 action by a school, school district, or an athletic association or  
13 organization as a result of reporting a violation of this section to  
14 an employee or a representative of the school, school district, or  
15 athletic association or organization, or to any state or federal  
16 agency with oversight of schools or public postsecondary institutions  
17 in this state, has a private cause of action for injunctive relief,  
18 damages, and any other relief available under law against the school,  
19 school district, or athletic association or organization.

20 (c) Any school district that suffers any direct or indirect harm  
21 as a result of a violation of this section has a private cause of  
22 action for injunctive relief, damages, and any other relief available  
23 under law against the governmental entity, licensing or accrediting  
24 organization, or athletic association or organization.

25 (d) A school district or a student of a school district that  
26 suffers any direct or indirect harm as a result of a public or  
27 private school, a school district, or other organization not  
28 structuring their athletics in alignment with this section has a  
29 private cause of action for injunctive relief, damages, and any other  
30 relief available under law against the school, school district, or  
31 other organization.

32 (e) A civil action brought under this section must be initiated  
33 within two years after the alleged harm occurred. Students or school  
34 districts who prevail on a claim brought under this section are  
35 entitled to monetary damages, including for any psychological,  
36 emotional, or physical harm suffered, reasonable attorneys' fees and  
37 costs, and any other appropriate relief.

38 (4) A governmental entity, licensing or accrediting organization,  
39 or an athletic association may not entertain a complaint, open an  
40 investigation, or take any other adverse action against any school

1 district in this state for maintaining separate interscholastic  
2 athletic teams or sports for students based on the designations  
3 required under this section.

4 (5) The requirements of this section do not apply to interschool  
5 athletic activities and other interschool extracurricular activities  
6 of an athletic nature that consist primarily of students in grades  
7 kindergarten through six.

8 **Sec. 2.** RCW 28A.600.200 and 2012 c 155 s 2 are each amended to  
9 read as follows:

10 Each school district board of directors is hereby granted and  
11 shall exercise the authority to control, supervise and regulate the  
12 conduct of interschool athletic activities and other interschool  
13 extracurricular activities of an athletic, cultural, social or  
14 recreational nature for students of the district, subject to the  
15 requirements provided in section 1 of this act. A board of directors  
16 may delegate control, supervision and regulation of any such activity  
17 to the Washington interscholastic activities association or any other  
18 voluntary nonprofit entity and compensate such entity for services  
19 provided, subject to the following conditions:

20 (1) The voluntary nonprofit entity shall not discriminate in  
21 connection with employment or membership upon its governing board, or  
22 otherwise in connection with any function it performs, on the basis  
23 of race, creed, national origin, sex or marital status((~~r~~)).

24 (2)(a) Any rules and policies adopted and applied by the  
25 voluntary nonprofit entity that governs student participation in any  
26 interschool activity shall be written; and

27 (b) Such rules and policies shall provide for notice of the  
28 reasons and a fair opportunity to contest such reasons prior to a  
29 final determination to reject a student's request to participate in  
30 or to continue in an interschool activity.

31 (3)(a) The association or other voluntary nonprofit entity is  
32 authorized to impose penalties for rules violations upon coaches,  
33 school district administrators, school administrators, and students,  
34 as appropriate, to punish the offending party or parties;

35 (b) No penalty may be imposed on a student or students unless the  
36 student or students knowingly violated the rules or unless a student  
37 gained a significant competitive advantage or materially  
38 disadvantaged another student through a rule violation;

1 (c) Any penalty that is imposed for rules violations must be  
2 proportional to the offense;

3 (d) Any decision resulting in a penalty shall be considered a  
4 decision of the school district conducting the activity in which the  
5 student seeks to participate or was participating and may be appealed  
6 pursuant to RCW 28A.600.205 and 28A.645.010 through 28A.645.030.

7 (4) The school districts, Washington interscholastic activities  
8 association districts, and leagues that participate in the  
9 interschool extracurricular activities shall not impose more severe  
10 penalties for rule violations than can be imposed by the rules of the  
11 association or the voluntary nonprofit entity.

12 (5) As used in this section and RCW 28A.600.205, "knowingly"  
13 means having actual knowledge of or acting with deliberate ignorance  
14 or reckless disregard for the prohibition involved.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10  
16 RCW to read as follows:

17 (1) Interscholastic, intercollegiate, intramural, or club  
18 athletic activities and other interschool extracurricular activities  
19 of an athletic nature sponsored by an institution of higher  
20 education, including those established under the authority granted by  
21 RCW 28B.10.703, must be organized using the following groupings for  
22 the purposes of participation and competition:

23 (a) Students who have the same kind of sex chromosome (xx) who  
24 identify as a woman or girl;

25 (b) Students who have the same kind of sex chromosome (xx) who  
26 identify as a man or boy;

27 (c) Students who have two different kinds of sex chromosomes (xy)  
28 who identify as a man or boy;

29 (d) Students who have two different kinds of sex chromosomes (xy)  
30 who identify as a woman or girl; and

31 (e) Students who do not meet the criteria in (a) through (d) of  
32 this subsection.

33 (2) For the purposes of this section, a student's eligibility for  
34 a particular grouping may be determined by any medical documentation  
35 that demonstrates the chromosomal makeup of the student.

36 (3) (a) Any student who is deprived of an athletic opportunity or  
37 suffers any direct or indirect harm as a result of a violation of  
38 this section has a private cause of action for injunctive relief,

1 damages, and any other relief available under law against the  
2 institution of higher education.

3 (b) Any student who is subject to retaliation or other adverse  
4 action by an institution of higher education or an athletic  
5 association or organization as a result of reporting a violation of  
6 this section to an employee or a representative of the school, school  
7 district, or athletic association or organization, or to any state or  
8 federal agency with oversight of schools or institutions of higher  
9 education in this state, has a private cause of action for injunctive  
10 relief, damages, and any other relief available under law against the  
11 institution of higher education or athletic association or  
12 organization.

13 (c) Any institution of higher education that suffers any direct  
14 or indirect harm as a result of a violation of this section has a  
15 private cause of action for injunctive relief, damages, and any other  
16 relief available under law against the governmental entity, licensing  
17 or accrediting organization, or athletic association or organization.

18 (d) An institution of higher education or a student of an  
19 institution of higher education that suffers any direct or indirect  
20 harm as a result of a public or private postsecondary institution or  
21 other organization not structuring their athletics in alignment with  
22 this section has a private cause of action for injunctive relief,  
23 damages, and any other relief available under law against the  
24 postsecondary institution or other organization.

25 (e) A civil action brought under this section must be initiated  
26 within two years after the alleged harm occurred. Students or  
27 institutions of higher education who prevail on a claim brought under  
28 this section are entitled to monetary damages, including for any  
29 psychological, emotional, or physical harm suffered, reasonable  
30 attorneys' fees and costs, and any other appropriate relief.

31 (4) A governmental entity, licensing or accrediting organization,  
32 or an athletic association may not entertain a complaint, open an  
33 investigation, or take any other adverse action against any  
34 institution of higher education in this state for maintaining  
35 separate interscholastic, intercollegiate, intramural, or club  
36 athletic teams or sports for students based on the designations  
37 required under this section.

38 **Sec. 4.** RCW 28B.10.703 and 1977 ex.s. c 169 s 32 are each  
39 amended to read as follows:

1       The governing boards of each of the state universities, the  
2 regional universities, The Evergreen State College, and community  
3 colleges in addition to their other duties prescribed by law shall  
4 have the power and authority to establish programs for  
5 intercollegiate athletic competition. Such competition may include  
6 participation as a member of an athletic conference or conferences,  
7 in accordance with conference rules. Programs created under this  
8 section are subject to the requirements provided in section 3 of this  
9 act.

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