WAC 392-190-025 Recreational and athletic activities. (1) Except as provided under this section, school districts must not, on the basis of a protected status, exclude any student from participation in, deny any student the benefits of, or otherwise discriminate against any student in any interscholastic, club, or intramural athletics or recreational activity offered or sponsored by the school district. School districts must not provide any athletic or recreational activity separately on such basis, except as provided in this section.

(2) A school district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a school district operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered.

(3) A school district that operates or sponsors interscholastic, club, or intramural athletics must provide equal athletic opportunities for members of both sexes within each school. The following factors must be considered when determining whether equal opportunities are available:

(a) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

(b) Provision of equipment and supplies;

(c) Scheduling of games and practice time, including the use of playfields, courts, gyms, and pools;

(d) Travel and per diem allowances, if any;

(e) Opportunity to receive coaching and academic tutoring;

(f) Assignment and compensation of coaches, tutors, and game officials;

(g) Provision of locker rooms and practice and competitive facilities;

(h) Provision of medical and training facilities and services, including the availability of insurance;

(i) Provision of housing and dining facilities and services, if any; and

(j) Publicity and awards.

(4) Unequal aggregate expenditures within a school district for members of each sex or unequal expenditures for separate male and female teams alone will not constitute noncompliance with this section, but the failure to provide necessary funds for recreational and athletic activities for members of one sex may be considered in assessing the equality of opportunity for members of each sex.

(5) Where individual students with disabilities cannot participate in existing activities even with reasonable modifications and necessary accommodations, aids, or services, a school district may offer opportunities for students with disabilities to participate in separate or different recreational or athletic activities.

[Statutory Authority: RCW 28A.640.020 and 28A.642.020. WSR 26-15-128, s 392-190-025, filed 7/22/26, effective 8/22/26; WSR 14-23-072, § 392-190-025, filed 11/18/14, effective 12/19/14; WSR 11-09-024, § 392-190-025, filed 4/13/11, effective 5/14/11. Statutory Authority: RCW 34.05.220 [(1)](a). WSR 89-23-001 (Order 15), § 392-190-025, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-025, filed 5/17/76.]