STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

STATE OF WASHINGTON, Plaintiff, v. SEATTLE PUBLIC SCHOOLS, Defendant.	NO. 25-2-11554-2 SEA [PROPOSED] CONSENT DECREE **CLERK'S ACTION REQUIRED**

I. INTRODUCTION

1.1. The Plaintiff, State of Washington, by and through its attorneys Nicholas W. Brown, Attorney General, and Alfredo González Benítez and Daniel J. Jeon, Assistant Attorneys General, filed this action against Seattle Public Schools (SPS) to enforce Washington's Healthy Starts Act (HSA), RCW 43.10.005, the Washington Law Against Discrimination (WLAD), RCW 49.60.030 and RCW 49.60.180.

1.2. SPS manages a total of 104 schools, which includes sixty-three (63) elementary schools, eleven (11) K-8 schools, twelve (12) middle schools, and eighteen (18) high schools, which together serve students from early childhood through high school graduation. These schools offer a variety of academic, extracurricular, and support services to meet the educational needs of Seattle's diverse student population.

1.3. For the 2023-24 school year, SPS reported an enrollment of 49,226 students across all grade levels, reflecting its role as a central educational provider within the region.

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1.4. To support its extensive student body, SPS employed 6,484 school-based staff in the 2023-24 school year.

1.5. At all relevant times, SPS has had fifteen (15) or more employees and has been an "employer" within the meaning of RCW 49.60.040(11).

1.6. In the Complaint, the State alleges that SPS violated the HSA, RCW 43.10.005, the WLAD, RCW 49.60.030 and RCW 49.60.180 by:

1.6.1. Maintaining a policy or practice of unlawfully denying pregnancy accommodation requests including: providing more frequent, longer, or flexible restroom breaks; job restructuring, or modification of a work schedule; provision of a temporary transfer to a less strenuous or hazardous position; and providing reasonable break time and a private location for an employee to express breastmilk each time the employee has the need to express the milk.

1.6.2. Retaliating against female employees who requested pregnancy-related accommodations including: giving negative performance reviews to employees who requested accommodations; being admonished for having doctor's appointments; denying annual salary-step-increases due to pregnancy related leave; and removing preferred classroom assignment.

1.7. The State and SPS (Parties) agree that this Court has jurisdiction over the subject matter of the claims alleged and the Parties to this lawsuit.

1.8. SPS disputes the allegations that have been made by the State in the Complaint.

1.9. The Parties agree on a basis for settlement of the State's allegations and to the entry of this Consent Decree without the need for trial and adjudication of any issue of law or fact.

1.10. SPS agrees that they will not oppose entry of this Consent Decree on the ground that it fails to comply with Rule 65(d) of the Superior Court Civil Rules and hereby waives any objection based thereon.

1.11. SPS waives any right it may have to appeal from this Consent Decree.

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NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, and DECREED:

II. INJUNCTIONS

2.1. The injunctive provisions of this consent decree shall apply to SPS and its successors, assignees, transferees, officers, agents, servants, employees, representatives, and all other persons in active concert or participation with SPS.

2.2. Not later than three (3) business days after the entry of this Consent Decree, SPS shall immediately inform all human resources employees, school administrators, supervisors, and any other employees who are involved in the drafting of policies, evaluating requests for accommodations, or handling discrimination complaints of the terms and conditions of this Consent Decree.

2.3. SPS shall be permanently enjoined and restrained from engaging in the following acts or practices:

2.3.1. Failing or refusing to provide the following statutorily mandated accommodations to pregnant employees, regardless of any hardship that SPS may perceive:

2.3.1.1. Providing more frequent, longer, or flexible restroom breaks; and

2.3.1.2. Providing seating or allowing an employee to sit more frequently if the employee's job requires the employee to stand.

2.3.2. Providing any further reasonable pregnancy accommodation an employee may request, unless SPS can demonstrate that granting the accommodation would impose an undue hardship.

2.4. Retaliating against any employee who requests, declines, or uses a pregnancy-related accommodation.

2.5. Requiring an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy.

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2.6. Discriminating in the terms, conditions, or privileges of employment on the basis of sex and pregnancy. RCW 49.60.030(1) and RCW 49.60.180.

III. PREGNANCY ACCOMMODATION SUPERINTENDENT PROCEDURE AND DISTRIBUTION

3.1. Within sixty (60) days of the entry of this Decree by the Court, SPS shall develop and implement a Superintendent Procedure for Pregnancy Accommodation.

3.2. "Superintendent Procedure" is defined as an administrative procedure of Seattle Public Schools developed by its Superintendent to support the implementation of Seattle School Board policies. All SPS employees are required to comply with Superintendent Procedures. The Superintendent Procedure shall include the requirements of Paragraph 3.4 and 4.2, and follow the requirements of Paragraph 3.5 to Paragraph 3.9.

3.3. SPS shall ensure that its Superintendent Procedure for Pregnancy Accommodation specifically prohibits discrimination based on pregnancy and explains the rights of pregnant and nursing employees under Washington Law.

3.4. At a minimum SPS's Superintendent Procedure for Pregnancy Accommodation must:

3.4.1. State that it is the policy of SPS to comply with the HSA and the WLAD by ensuring that employment opportunities are available to all persons without regard to pregnancy status or sex.

3.4.2. State that the HSA protections applicable to an employee's pregnancy, including health conditions during pregnancy and after pregnancy, include the need to breastfeed or express milk.

3.4.3. State that the HSA requires SPS to provide the following reasonable accommodations to employees, regardless of any hardship SPS may perceive:

3.4.3.1. Frequent, longer, or flexible restroom breaks;

3.4.3.2. Modification of a no food or drink policy;

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3.4.3.3. Seating or allowing the employee to sit more frequently if their job requires them to stand; and

3.4.3.4. Limits on lifting over seventeen (17) pounds.

3.4.4. State that the HSA deems the following to be reasonable accommodations which must be provided if there is no significant difficulty or expense to SPS:

3.4.4.1. Job restructuring, including part-time or modified work schedules, job reassignment to a vacant position, changing a workstation, or acquiring or modifying equipment, devices or an employee's work station.

3.4.4.2. A temporary transfer to a less strenuous or less hazardous position;

3.4.4.3. Scheduling flexibility for prenatal visits;

3.4.4.4. Assistance with manual labor and limits on lifting that are less than seventeen (17) pounds;

3.4.4.5. Reasonable break times for employees to express breast milk for two (2) years after the child's birth each time the employee has need to express milk and providing a private location, other than a bathroom, if such a location exists at the worksite, which may be used by the employee to express breast milk. If the worksite does not have a space for the employee to express milk, then SPS shall work with the employee to identify a convenient location and work schedule to accommodate their needs; and

3.4.4.6. Providing reasonable consideration to any further accommodations the employee may request in consultation with

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information provided on pregnancy accommodation by the Department of Labor and Industries or the attending health care provider of the employee.

3.4.5. State that the HSA prohibits an employer from asking for written certification from a health care professional for the accommodations listed in paragraph 3.4.3 or for the need to breastfeed or express milk.

3.4.6. State that unlawful discrimination in any form against employees based on sex, pregnancy, or nursing status is strictly prohibited.

3.4.7. State that the HSA prohibits an employer from retaliating against pregnant or nursing employees who request an accommodation, from denying employment opportunities to pregnant or nursing employees if the denial is based on the employer's need to make reasonable accommodation required by RCW 43.10.005(1)(c), or requiring pregnant or nursing employees to take leave if another reasonable accommodation can be provided.

3.4.8. Provide clear written instructions to employees about where and how to make a request for pregnancy accommodation through the Superintendent Procedure for Pregnancy Accommodation.

3.4.9. State that any employee or prospective employee may report violations of the Superintendent Procedure for Pregnancy Accommodation by contacting the Office of the Washington State Attorney General, Civil Rights Division at pregnancy@atg.wa.gov, by leaving a message at (833) 660-4877, or by submitting a complaint using the online complaint form.

3.5. The Superintendent Procedure for Pregnancy Accommodation described in this section shall be provided to the Attorney General's Office (AGO) for review and comment no later than thirty (30) days of the entry of this decree. Within fourteen (14) days of receipt, the AGO will review the proposed procedure and advise SPS of any comments.

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3.6. No later than ninety (90) days after the entry of this Consent Decree, SPS shall distribute its Superintendent Procedure for Pregnancy Accommodation to all its employees and annually, thereafter. SPS will also provide a copy of this procedure to every employee hired during the duration of this Decree within ten (10) days of commencing employment.

3.7. SPS shall secure a signed statement from school administrators and all other employees who are tasked with processing requests for accommodations, including receiving, reviewing, and responding to pregnancy-related workplace accommodation requests and implementing the interactive process, or with the handling of discrimination complaints within the State of Washington acknowledging that they have received and read the Superintendent Procedure for Pregnancy Accommodation, have had the opportunity to have questions about the Procedure answered, and agree to abide by the relevant provisions of the Procedure. SPS shall submit these acknowledgments to the AGO within forty-five days (45) days of the Procedure being distributed.

3.8. SPS must publish its Superintendent Procedure for Pregnancy Accommodation in any physical or electronic copies of handbooks or policy manuals given to employees and post this procedure on the SPS Policies and Procedures webpage.

3.9. SPS should ensure that this Procedure is available on any internal human resources webpages and prominently displayed in or around lactation rooms.

3.10. For the duration of this Consent Decree, if SPS modifies the Procedure required by this section, SPS shall submit proposed modifications to the AGO for its review and consideration no later than thirty (30) days before adoption of the modified Procedure. Within fourteen (14) days of receipt the AGO will review the proposed modifications and advise SPS of any comments.

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IV. PREGNANCY ACCOMMODATION REQUEST PROCESS

4.1. Within sixty (60) days of the entry of this Consent Decree, SPS shall develop and implement a Superintendent Procedure for Pregnancy Accommodation which relates to pregnant or nursing employees and includes a pregnancy accommodation request process.

4.2. At a minimum the Superintendent Procedure for Pregnancy Accommodation required by this section shall:

4.2.1. State that the purpose of the written procedure is to outline the process for employees to request pregnancy-related accommodations, ensuring compliance with applicable state laws.

4.2.2. State that it is important for human resources employees, school administrators, and supervisors to understand the state laws that govern workplace pregnancy accommodations and provide a link or other information on where to access these laws.

4.2.3. State that SPS complies with its obligations to provide reasonable accommodations to pregnant and nursing employees and will not require pregnant and nursing employees to take leave if a reasonable accommodation is available.

4.2.4. State that these laws and SPS strictly prohibit retaliation against pregnant and nursing employees who request accommodations.

4.2.5. State the department or person to whom the accommodation request should be directed. This contact information will be included in the employee handbook and available on the SPS website.

4.2.6. State that the contact person will acknowledge receipt of the requested accommodation within two (2) business days.

4.2.7. State that the contact person will respond to the request within a reasonable time frame, typically no longer than three (3) business days and in no

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instance longer than five (5) business days. Requests that are straightforward or clearly reasonable under applicable law may be granted immediately.

4.2.8. If the requested accommodation cannot be immediately granted or requires further discussion, SPS will initiate the interactive process.

4.2.9. State what the interactive process is, what it should include, and what factors may be relevant to SPS's evaluation of a reasonable accommodation request.

4.2.10. State that SPS will work together with the employee to find an accommodation for the employee's pregnancy-related health condition.

4.2.11. State that human resources employees, school administrators, and supervisors who receive a request for an accommodation must document that request and direct the request for accommodation to the person and department designated in the Procedure for action and documentation of all steps taken during the interactive process.

V. TRAINING

5.1. SPS shall provide in-person or live virtual pregnancy accommodation training to school administrators and all other employees who are tasked with processing requests for accommodation, including receiving, reviewing, and responding to pregnancy-related workplace accommodation requests and implementing the interactive process, or with the handling of discrimination complaints within the State of Washington regarding their obligations as described in Sections III and IV. The first training shall take place no later than six (6) months after the date of entry of this Consent Decree. The training shall be in addition to any other training provided to these employees. For employees in the human resources department who are tasked with processing requests for accommodation, including receiving, reviewing, and responding to pregnancy-related workplace accommodation requests and implementing the

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interactive process, the training shall be no less than two (2) hours. For other staff, the training shall be no less than sixty (60) minutes. The training for both groups shall include, at a minimum:

5.1.1. An overview of the Washington State Laws governing pregnancy accommodation and sex and pregnancy discrimination.

5.1.2. An admonition that retaliation against an applicant or employee who requests an accommodation or complains of discrimination is prohibited.

5.1.3. Instruction on SPS's Superintendent Procedure for Pregnancy Accommodation.

5.1.4. A discussion of various forms of reasonable accommodations identified in the HSA including the accommodations that must be granted in Washington, and the accommodations for which SPS cannot request written certification from a treating health care professional.

5.1.5. The presentation of specific scenarios tailored to the workplace.

5.2. The training shall be aimed toward helping attendees understand the process to follow to review, respond, and analyze each request for a reasonable accommodation.

5.3. The training described in this section shall be developed and conducted by a professional with established experience and expertise in civil rights compliance, the provision of workplace accommodations for pregnant and nursing employees, and pedagogical skills for training adults. SPS shall submit the name of the trainer, the curriculum vitae or professional resume for the trainer, and all training materials to the AGO no later than thirty (30) days before the training. Within fourteen (14) days of receipt, the AGO will review the proposed materials and advise SPS of any comments

5.4. SPS shall provide the Office of the Attorney General with confirmation of attendance of school administrators and all other employees who receive annual training pursuant to this Consent Decree, including the date, length of the course, name of the instructor,

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and the name of the individual who completed the course. Confirmation must be submitted to the Office of the Attorney General within fourteen (14) days of the completion of each course.

5.5. The cost of the training shall be borne by SPS.

5.6. For the duration of this Consent Decree, if SPS modifies the training required by this section, SPS shall submit proposed modifications to the AGO no later than thirty (30) days before conducting the modified training. Within fourteen (14) days of receipt the AGO will review the proposed modifications and advise SPS of any comments.

VI. REPORTING AND DOCUMENT RETENTION

6.1. During the effective period of this Consent Decree, SPS shall preserve all records related to its obligations under this Consent Decree, including all documents, whether in paper or electronic form, that relate to employees' pregnancy accommodation requests. Such documents include all information that SPS requests from the employee or employee's medical provider concerning such request, as well as information regarding any decision or resolution of such request. Upon reasonable notice to SPS, representatives of the AGO shall be permitted to inspect all such records, which shall be provided electronically. The employees' job title and contact information must also be provided with these records. This does not waive SPS' right to assert any privilege including the attorney-client privilege and/or work product.

6.2. Upon reasonable notice, the AGO shall be further permitted to interview SPS and its personnel to monitor compliance with this Consent Decree, to propound written discovery, and to monitor and enforce this Consent Decree through any other lawful means. For purposes of allowing the State to monitor compliance with the Consent Decree, SPS shall require all personnel within its employ whom the State requests to interview to cooperate reasonably and be interviewed. The AGO shall be responsible for all costs of making copies requested.

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VII. PAYMENT

7.1. Within fourteen (14) days of entry of this Consent Decree, SPS agrees to pay $600,000 to the Office of the Attorney General. This money shall be referred to as the "Settlement Fund," and will be used for compensatory damages for persons aggrieved by SPS's conduct, recovery of fees and costs incurred by counsel for the State in prosecuting this action, future monitoring and enforcement of this Consent Decree, and/or any lawful purpose in the discharge of the Attorney General's duties at the sole discretion of the Attorney General.

7.1.1. The payment shall be made by wire transfer. The AGO shall provide instructions for the wire transfer within seven (7) days of the entry of this Consent Decree.

7.2. This Consent Decree is the final and complete resolution of all claims and allegations of unlawful practices contained in the Complaint, including all claims by either party for attorney's fees and costs.

7.3. The State agrees to report to SPS when it concludes disbursements from the settlement funds to claimants, the amount of each disbursement and the recipient of each disbursement.

VIII. DURATION AND ENFORCMENT

8.1. This Consent Decree shall be in effect for a period of five (5) years from the date of its entry. The Court shall retain jurisdiction for the duration of this Consent Decree to enforce its terms.

8.2. The State may move the Court to enforce the Consent Decree or to extend its duration in the event of noncompliance, whether intentional or not, with any of its terms; or if it believes the interests of justice so require. SPS may respond to and/or oppose any such motion.

IX. ADDITIONAL PROVISIONS

9.1. SPS acknowledges and agrees that no other promises, representations, or agreements of any nature have been made or entered into by the Parties. The Parties further

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acknowledge that this Consent Decree constitutes a single and entire agreement that is not severable or divisible, except that if any provisions herein are found to be legally insufficient or unenforceable, the remaining provisions shall continue in full force and effect.

9.2. Nothing in this Consent Decree shall be construed to limit or bar any other governmental entity or person from pursuing other available remedies against SPS or any other person.

9.3. The Parties agree that, as of the date of the entry of this Consent Decree, litigation is not "reasonably foreseeable" concerning the matters described above. To the extent that either party previously implemented a litigation hold to preserve documents, electronically stored information (ESI), or things related to the matters described above, the party is no longer required to maintain such litigation hold. Nothing in this paragraph relieves either party of any other obligations imposed by this Consent Decree.

9.4. All communications related to this Consent Decree shall be directed to: Wing Luke Civil Rights Division, Office of the Washington State Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, WA 98104-3188.

9.5. The parties further agree that, within three (3) business days of the execution of this Consent Decree, Seattle Public Schools shall voluntarily withdraw its pending motion for discretionary review before the Court of Appeals, entitled *State of Washington v. Seattle Public Schools*, Case No. 904094.

9.6. The Court's entry of this Consent Decree shall operate to vacate the deadlines contained in the Court's Order Granting Motion to Continue Trial Date and Amend Case Schedule entered by the Court on July 28, 2026.

DATED this 20th day of November 2026 ~~2025.~~

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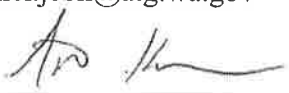
E Rania Rampersad
Superior Court Judge

Presented by:

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