
Education Committee

HB 2801

Brief Description: Regarding antiharassment strategies in public schools.

Sponsors: Representatives Liias, Johnson, Pedersen, Hunt, Orwall, Maxwell, Quall, Moeller, Chase, Williams, Nelson and Simpson.

Brief Summary of Bill

- Directs the Office of the Superintendent of Public Instruction to revise and update the model harassment, intimidation, and bullying prevention policy and procedure and present them to the Legislature for review.
- Requires school districts to adopt or amend their policy and procedure to incorporate the revised policy and procedure and to designate a primary contact person in the district.
- Designates the Office of the Education Ombudsman as the lead agency to provide resources and tools regarding anti-harassment policies and strategies to parents and families.
- Creates an ongoing work group to develop, recommend, and implement strategies to improve school climate, create respectful learning environments in public schools, and to submit biennial reports.

Hearing Date: 1/22/10

Staff: Barbara McLain (786-7383).

Background:

A law enacted in 2002 required each school district, by August 1, 2003, to adopt a policy prohibiting harassment, intimidation, or bullying of any student. "Harassment, intimidation, or bullying" was originally defined to include any intentional written, verbal, or physical act that:

- physically harms a student or damages a student's property;
- has the effect of substantially interfering with a student's education;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- has the effect of substantially disrupting the orderly operation of the school.

Drawing from the definition of malicious harassment in Washington's criminal code, such acts include, but are not limited to, those motivated by perceptions concerning the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap. The original legislation in 2002 required the Office of the Superintendent of Public Instruction (OSPI) to develop a model prevention policy and training materials to assist school districts and make these available in a variety of ways. Although not required under the law, the OSPI also developed a model procedure for how school districts could address alleged or known acts that violated the policy.

In 2007, the law was expanded to include electronic acts, and the Washington State School Directors Association (WSSDA) was directed to develop a model policy and sample materials prohibiting acts of harassment, intimidation, or bullying conducted via electronic means by a student while on school grounds and during the school day. School district boards of directors were directed to establish such a policy by August 1, 2008.

A September 2008 report by Washington State University's Social and Economic Sciences Research Center (SESRC) entitled *Bullying in Washington Schools: Update 2008* found that although districts have responded to the statutory requirement to have anti-bullying policies, bullying has not declined significantly in Washington public schools since 2002. The SESRC also found that districts do not address the problem uniformly, and students and parents continue to seek assistance against bullying. A special report prepared by the Office of the Education Ombudsman (OEO) in 2008 found that 28 percent of all interventions by the OEO involved student bullying or harassment, and bullying was part of 21 percent of special education intervention cases.

Summary of Bill:

The Office of the Superintendent of Public Instruction (OSPI), in consultation with the Office of the Education Ombudsman (OEO) and other interested parties, must revise and update the model harassment, intimidation, and bullying prevention policy and procedure by August 1, 2010. If the 2011 Legislature takes no action, the OSPI must provide the updated model policy and procedure, together with training materials, to school districts and educational service districts. The OSPI is also tasked with adopting rules regarding district communication of the policy and procedure to parents, students, employees, and volunteers.

By August 1, 2011, school districts are required to adopt or amend their policies to, at a minimum, incorporate the OSPI's model policy and procedure. Each district must also designate one person as the primary contact regarding the policy. The primary contact receives copies of all complaints, has responsibility for assuring implementation of the policy and procedure, and serves as primary liaison with the OSPI and the OEO.

The OEO is designated as the lead agency to provide resources and tools to parents and families about anti-harassment policies and strategies. The OEO and the OSPI convene an ongoing anti-harassment work group to develop, recommend, and implement strategies to improve school

climate and create respectful learning environments in public schools. Work group tasks include:

- considering whether additional disaggregated data should be collected regarding incidents of harassment or disciplinary actions;
- examining possible procedures for anonymous reporting;
- identifying curriculum and best practices for school districts to improve school climate and inform and involve parents; and
- recommending training for primary contacts in school districts.

Biennial reports to the Governor and the Education Committees of the Legislature are required beginning December 1, 2011.

Appropriation: None.

Fiscal Note: Requested January 15, 2010.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.