

HOUSE BILL REPORT

SHB 2801

As Passed Legislature

Title: An act relating to antiharassment strategies in public schools.

Brief Description: Regarding antiharassment strategies in public schools.

Sponsors: House Committee on Education (originally sponsored by Representatives Liias, Johnson, Pedersen, Hunt, Orwall, Maxwell, Quall, Moeller, Chase, Williams, Nelson and Simpson).

Brief History:

Committee Activity:

Education: 1/22/10, 1/26/10 [DPS].

Floor Activity:

Passed House: 2/11/10, 97-0.

Senate Amended.

Passed Senate: 3/4/10, 48-0.

House Concurred.

Passed House: 3/6/10, 94-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Directs the Office of Superintendent of Public Instruction to revise and update the model harassment, intimidation, and bullying prevention policy and.
- 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.

HOUSE COMMITTEE ON 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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier, Fagan, Hunt, Johnson, Liias, Orwall, Probst, Santos and Sullivan.

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;
- 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 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.

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 Substitute Bill:

The Office of 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. 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 formal and informal complaints, has responsibility for assuring implementation of the policy and procedure, and serves as primary liaison with the OSPI and the OEO.

Each school district must provide to the OSPI a summary of its policies, procedures, and training materials to be posted on the school safety center website, along with a link to the district's website for further information. The district primary contact must annually update and verify the accuracy of the information.

The OEO is designated as the lead agency to provide resources and tools to parents and families about anti-harassment policies and strategies.

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.

Staff Summary of Public Testimony:

(In support) To combat bullying, we need to change the climate in our schools. People in schools need the capacity and the vocabulary to address bullying and harassment. As one teacher says, "If I can stop one bad thing from happening to a child, it is a good day." There are caring people in schools who want to do the right thing, and they can do it if we give them the right tools. Even school districts that have workgroups and have a policy face challenges with assuring that all of the adults know what to do. Communication is a huge piece of what needs to be done. This bill will not fix what is wrong with our schools, but it will keep the conversation going forward. There has not been enough impact from the 1992 law. Teachers stand by and do nothing; they do not know what to do. Parents need help to know what their rights are. School officials need to know how to adapt their policies to protect students from others; they need to know what actions constitute discrimination.

Washington was a leader in adopting its anti-bullying legislation. Despite that, we have not seen a reduction in incidents. The task force in this bill will enable more positive programs to be researched and ready for consideration once the financial situation changes. Having a point person in each district will allow for training and communication, as well as provide a clear path for parents to communicate their concerns. All parents care about these issues. Even though funds are limited, we need to provide tools to schools to make more progress. What is needed is a law that also protects teachers, volunteers, and even parents from being bullied and harassed by other adults in the building, including the principal. There should also be provisions for anonymous reporting and investigation of complaints.

(Opposed) None.

Persons Testifying: (In support) Representative Liias, prime sponsor; Diana Stadden, ARC of Washington and Autism Society of Washington; Alec Clayton, Safe Schools Coalition and

Parents and Friends of Lesbians and Gays; Gabrielle Clayton and Josh Fridas, Safe Schools Coalition; Kim Howard, Washington State Parent Teacher Association; Jeff Soder, Office of Superintendent of Public Instruction; and Richard Reuther.

Persons Signed In To Testify But Not Testifying: Simon Lee Sampson and Jose Eligto Johanes, Toppenish Community Safety Network; Arturo Arellano Jr, Toppenish High School; Jennifer Allen, Safe Schools Coalition, and Steve Zuber and Cheryl Ricevuto, Office of Education Ombudsman.