

HOUSE BILL REPORT

SHB 2801

As Amended by the Senate

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.

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 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.

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.

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 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. 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 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.

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.

EFFECT OF SENATE AMENDMENT(S):

The Washington State School Directors' Association is added to the list of groups consulted in development of the revised policy and procedure. A requirement that the 2011 Legislature have the opportunity to act before the policy and procedure is sent to school districts is removed. The manner in which the Superintendent of Public Instruction provides information and training materials on its website and school districts provide information about their policies is clarified. Each district must provide a link to the information on its website, and verify annually that it is accurate. Provisions are removed that created an ongoing anti-harassment work group to develop and recommend strategies to improve school climate and create respectful learning environments in schools.

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 Lias, 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.