5766-S AMH ED WARG 270

**SSB 5766** - H COMM AMD

By Committee on Education

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  The legislature intends to address discrimination, harassment, intimidation, and bullying of all students, including protected classes of students, such as transgender students, by:

(1) Building and strengthening a safe, welcoming, open, respectful, and positive school environment and culture in which every student can learn and succeed;

(2) Addressing the root causes of discrimination, harassment, intimidation, and bullying in schools;

(3) Requiring that school district primary contacts for policies and procedures related to transgender students, and antiharassment, intimidation, and bullying track the resolution of formal and informal complaints;

(4) Requiring training of school district employees on policies and procedures related to nondiscrimination; transgender students; and antiharassment, intimidation, and bullying; and

(5) Requiring regular updating of model policies and procedures related to nondiscrimination; transgender students; and antiharassment, intimidation, and bullying.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.600 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic" or "electronic means" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

(b)(i) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(A) Physically harms a student or damages the student's property;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school.

(ii) Subsection (b)(i) of this section does not require the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(2)(a) By September 1, 2018, each school district must adopt a policy and procedure that prohibits the harassment, intimidation, or bullying of any student and that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section. Each school district must update the policy and procedure at least every three years, and within a reasonable time following any substantive changes to the model policy and procedures. School districts are encouraged to adopt and update the policy and procedure through a process that includes representatives of students, students' families, volunteers, school district employees, and community representatives.

(b) School districts must share the antiharassment, intimidation, and bullying policy and procedure with students, students' families, volunteers, and school district employees in accordance with rules adopted by the superintendent of public instruction under this section.

(c) Each school district must designate one administrator in the district as the primary contact regarding the antiharassment, intimidation, and bullying policy and procedure. In addition to other duties required by law and the school district, the primary contact must: Ensure the implementation of the policy and procedure; receive copies of formal and informal harassment, intimidation, or bullying complaints; communicate with the school district employees responsible for monitoring district compliance with chapter 28A.642 RCW, prohibiting discrimination in public schools, and section 3 of this act, related to transgender student policies and procedure; and serve as the primary contact on the policy and procedure between the school district, the office of the education ombuds, and the office of the superintendent of public instruction.

(d) Beginning July 1, 2019, school districts must collect data on harassment, intimidation, or bullying complaints and actions taken to resolve these complaints and record this information in the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information must be made available to the public, but public release of the data may not include personally identifiable information, for example a student's social security number, name, or address.

(e) As required by the superintendent of public instruction, school districts must provide to the office of the superintendent of public instruction district materials related to antiharassment, intimidation, and bullying, for example the policy and procedure, primary contact information, programs, partnerships, vendors, educational materials, training materials, and web site links;

(3) By July 1, 2018, and by July 1st every three years thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop or update a model policy and procedure that prohibits harassment, intimidation, or bullying of any student. The model policy and procedure must, at a minimum, prohibit acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day; and require that materials meant to educate students and students' families about the seriousness of harassment, intimidation, and bullying, including cyberbullying, be disseminated to students' families or maintained on the school district's web site. The procedure may emphasize positive character traits and values, such as the civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy and procedure. The association must consult with representatives of students, students' families, volunteers, school district employees, and community representatives on the content of the model policy and procedure;

(4) By July 1, 2018, and by July 1st every three years thereafter, the office of the superintendent of public instruction must:

(a) Collaborate with the Washington state school directors' association to develop or update sample materials to educate students and students' families about the seriousness of harassment, intimidation, and bullying, including cyberbullying. These materials must include information on responsible and safe digital technology and media use; the options available to a student who is being bullied via electronic means, such as reporting threats to local law enforcement; and when to involve school officials, or digital technology or media providers in possible incidents of cyberbullying. The office must consult with representatives of students, students' families, volunteers, school district employees, and community representatives on the content of the; and

(b) Adopt, or review previously adopted, rules necessary to implement this section.

(4) The office of the superintendent of public instruction and the Washington state school directors' association shall maintain the model policy and procedure and sample materials developed and updated as required under subsection (3) of this section on the agency's web site at no cost to school districts.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.642 RCW to read as follows:

(1) For the purposes of this section, "transgender" refers to a person whose gender expression or identity differs from what is typically associated with the sex they were assigned at birth. The term "gender expression or identity" has the meaning provided in RCW 49.60.040.

(2)(a) By September 1, 2018, each school district must adopt a transgender student policy and procedure that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section. Each school district must update the policy and procedure at least every three years, and within a reasonable time following any substantive changes to the model policy and procedures. School districts are encouraged to adopt and update the policy and procedure through a process that includes representatives of students, students' families, volunteers, school district employees, and community representatives.

(b) School districts must share the transgender student policy and procedure with students, students' families, volunteers, and school district employees in accordance with rules adopted by the superintendent of public instruction under this section.

(c) Each school district must designate one administrator in the district as the primary contact regarding the transgender student policy and procedure. In addition to other duties required by law and the school district, the primary contact must: Ensure the implementation of the policy and procedure; receive copies of formal and informal complaints of violation of the transgender student policy or procedure; communicate with school district employees responsible for monitoring district compliance with this chapter, prohibiting discrimination in public schools, and under section 2 of this act, establishing antiharassment, intimidation, and bullying policies and procedures; and serve as the primary contact on the policy and procedure between the school district, the office of the education ombuds, and the office of the superintendent of public instruction.

(d) As required by the superintendent of public instruction, school districts must provide to the office of the superintendent of public instruction district materials related to transgender students, for example the district's policy and procedure, primary contact information, programs, partnerships, vendors, educational materials, training materials, and web site links.

(3) By July 1, 2018, and by July 1st every three years thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop, or update, a model transgender student policy and procedure. The model policy and procedure must, at a minimum, incorporate the office of the superintendent of public instruction rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model anitharassment, intimidation, and bullying policy, required under section 2 of this act, to transgender students. The association must consult with representatives of students, students' families, volunteers, school district employees, and community representatives on the content of the model policy and procedure required under this subsection.

(4) By July 1, 2018, and by July 1st every three years thereafter, the office of the superintendent of public instruction must adopt, or review previously adopted, rules necessary to implement this section.

(5) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure developed and updated as required under subsection (3) of this section on the agency's web site at no cost to school districts.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.415 RCW to read as follows:

(1)(a) By September 1, 2018, the office of the superintendent of public instruction must maintain a training program to support the implementation of school district policies and procedures prohibiting discrimination, harassment, intimidation, and bullying on the agency's web site at no cost to school districts. The training program must incorporate or adopt existing training or curricula related to discrimination, harassment, intimidation, or bullying of students. The training program must, at a minimum: Be based on the model policies and procedures described under sections 2 and 3 of this act; cover the rules and guidelines developed by the superintendent of public instruction under RCW 28A.642.020 to eliminate discrimination in Washington public schools; describe the role of school district primary contacts for monitoring district compliance with chapter 28A.642 RCW prohibiting discrimination in public schools, section 2 of this act related to antiharassment, intimidation, and bullying policies and procedures, and section 3 of this act related to transgender student policies and procedures; review example scenarios as appropriate; and include best practices for: Building and strengthening a safe, welcoming, open, respectful, and positive school environment and culture; addressing the root causes of discrimination, harassment, intimidation, and bullying in schools; and requiring prompt reporting and resolution of harassment, intimidation, and bullying events and discriminatory actions.

(b) The training program required under this subsection (1) must be developed, and updated every three years, in collaboration with the Washington state school directors' association, educators, the educational opportunity gap oversight and accountability committee, representatives from diverse communities, and community-based organizations that have an expertise in safe schools.

(2) A school district must provide the training program described under subsection (1) of this section to all school district employees annually. The training program may be combined with other employee trainings.

NEW SECTION. **Sec.**  The office of the superintendent of public instruction, in collaboration with other agencies as appropriate, must review and align the questions in the healthy youth survey with the model transgender student policy and procedure, developed under section 3 of this act, each time that these questions are reviewed by the agencies."

Correct the title.

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|  | EFFECT: (1) Adds an intent section;  (2) Revises provisions related to requiring harassment, intimidation, and bullying (HIB) policies and procedures by:  (a) Amending the definition of HIB by referencing characteristics in the statute prohibiting discrimination in public schools, rather than a criminal statute, resulting in the addition of honorably discharged veteran or military status, and use of a trained dog guide or service animal by a person with a disability;  (b) Combining school district policy and procedure requirements related to HIB and cyberbullying and requiring the WSSDA to develop the policy and procedure;  (c) Moving the provisions from the Superintendent of Public Instruction Chapter to the Students Chapter;  (3) Revises provisions related to requiring transgender student policies and procedures by:  (a) Defining transgender as gender expression or identity that differs from what is typically associated with the sex a person was assigned at birth;  (b) Specifying that when adopting a transgender student policy and procedure, districts must, at a minimum, incorporate the model policy and procedures that must be developed by WSSDA in collaboration with the OSPI (which must incorporate the OSPI rules and guidelines), rather than requiring the district policy and procedures to incorporate the WSSDA model policy and procedures as well as the OSPI rules and guidelines; and  (c) Adding that the model transgender student policy and procedure must address the unique challenges and needs faced by transgender students in public schools and describing the application of the model antiHIB policy to transgender students;  (4) Makes changes to both the HIB and transgender student policy and procedure provisions as follows:  (a) Requires the primary contacts to be administrators and to communicate with district employees responsible for monitoring district compliance with prohibitions against discrimination in public schools and transgender or HIB student policies and procedures;  (b) Requires district collection of data on HIB complaints and complaint resolutions, in the statewide student data system, beginning July 1, 2019;  (c) Replaces the requirement that the district annually provide certain HIB and transgender student policies and materials to the OSPI with direction that districts provide these materials as required;  (d) Gives the OSPI, rather than WSSDA, the duty to develop educational materials, but requires collaboration with the WSSDA;  (e) Specifies that the model policies and procedures and educational materials must be maintained on the OSPI and WSSDA web sites at no cost to school districts;  (f) Requires updating of the school district and model policies and procedures at least every three years;  (g) Expands the required primary contacts training program to all school district employees and requires that the program be based on the model policies and procedures, cover OSPI rules and guidelines on nondiscrimination, describe the role of the primary contacts, include best practices, and review example scenarios as appropriate; and  (h) Specifies that the training program must be updated every three years in collaboration with specified partners and that the program be provided to all employees by school districts annually; and  (5) Requires the Healthy Youth Survey to be aligned to the model transgender student policy and procedure each time it is reviewed by state agencies, not just the next time. |

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