

SENATE BILL REPORT

SB 5528

As Reported By Senate Committee On:
Education, February 19, 2001

Title: An act relating to preventing harassment, intimidation, or bullying in schools.

Brief Description: Requiring policies prohibiting harassment, intimidation, and bullying on school grounds and at school activities.

Sponsors: Senators McAuliffe, Winsley, Kohl-Welles, Eide, Regala, Kline, Costa and Gardner; by request of Governor Locke, Attorney General and Superintendent of Public Instruction.

Brief History:

Committee Activity: Education: 1/29/01, 2/19/01 [DPS-WM, DNP].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Prentice, Rasmussen and Zarelli.

Minority Report: Do not pass.

Signed by Senator Hochstatter.

Staff: Casey Bui (786-7448)

Background: A recent report from the National Association of Attorneys General cites bullying and harassment as primary causes of youth violence. Currently, no law prohibits bullying or harassment of students by students in school settings.

Summary of Substitute Bill: Each school district must develop a policy prohibiting bullying, intimidation or harassment of students. The policy must be submitted to the Office of the Superintendent of Public Instruction (OSPI) by September 1, 2002.

School districts have local control over the content of the policy as long as three provisions are met. These provisions include a requirement for a statement prohibiting harassment, a definition of harassment, and parent notification. To assist districts in developing a policy, OSPI is directed to produce a model policy applicable to grades K-12. This model policy must be made available to school districts by December 1, 2001.

To the extent that funds are made available, school districts must provide training on their anti-bullying policies to employees and volunteers who have significant contact with students. School employees, students and volunteers who, in good faith, report incidents of bullying are immune from a cause of action. Districts must also develop ways to discuss the anti-bullying policy with students. Schools and school districts are also encouraged, but not

required, to develop anti-bullying task forces, programs and initiatives that involve students, teachers, parents, administrators and other community members.

Substitute Bill Compared to Original Bill: The substitute bill removes specification of location where the bill would be enforceable. It changes the definition of bullying and removes a majority of the components that each school district must include in its anti-bullying policy. The substitute bill expands immunity from a cause of action to include students and volunteers and encourages, but does not require, the formation of task forces.

Appropriation: None.

Fiscal Note: Requested on January 19, 2001.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Bullying affects kids both emotionally and physically and disrupts their learning environment. It is a prevalent issue that is not being fully identified and addressed by adults or schoolchildren. This bill would send the message that we are serious about bullying and will not tolerate it. It will educate people about its effects and provide necessary safeguards against bullying, including necessary training and means of informing school officials about particular cases.

Testimony Against: Current policies and laws should be enforced rather than creating new redundant layers of regulation. This is not the best use of the state's money. There is also a constitutional issue regarding free speech.

Testified: PRO: Christine Gregoire, Attorney General; John Didion, Pacific County Sheriff; Danette Glassy, AG Task Force on Bullying; Ahndrea Blue, Governor's Office; Denise Fitch, OSPI; Michelle Reid, Port Angeles HS; Sunny Moyer, student; Jenny Goin, student; Michelle DiClementi, student; Gabi Clayton, student; Jenny Wieland, MAVIA; Bryce Butler, PFLAG; Carol Taylor, WPTA; Jeaneane Hill, parent; CON: Julanne Burts, citizen.