

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1444

Chapter 207, Laws of 2002

(partial veto)

57th Legislature
2002 Regular Session

SCHOOLS--BULLYING

EFFECTIVE DATE: 6/13/02

Passed by the House March 9, 2002
Yeas 86 Nays 8

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 6, 2002
Yeas 41 Nays 6

BRAD OWEN
President of the Senate

Approved March 27, 2002, with the
exception of section 3, which is
vetoed.

GARY F. LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1444** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 27, 2002 - 2:36 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1444

AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Murray, Ballasiotes, Mitchell, Quall, Dickerson, Haigh, McIntire, Linville, Simpson, Reardon, Kenney, Hunt, Fisher, Conway, Hurst, Tokuda, Fromhold, Poulsen, Santos, Romero, Rockefeller, Dunshee, Gombosky, Darneille, Edwards, Skinner, O'Brien, Lantz, Wood, Miloscia, Grant, Kessler, Kirby, Jackley, Kagi, Keiser, Sommers, Ogden, Cody, Edmonds, Morris, Lovick, McDermott, Woods, Jarrett, Mastin, Cooper, Schual-Berke and Ruderman; by request of Governor Locke, Attorney General and Superintendent of Public Instruction)

Read first time 01/31/2002. Referred to Committee on .

1 AN ACT Relating to preventing harassment, intimidation, or bullying
2 in schools; adding a new section to chapter 28A.320 RCW; adding a new
3 section to chapter 28A.600 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature declares that a safe and
6 civil environment in school is necessary for students to learn and
7 achieve high academic standards. The legislature finds that
8 harassment, intimidation, or bullying, like other disruptive or violent
9 behavior, is conduct that disrupts both a student's ability to learn
10 and a school's ability to educate its students in a safe environment.

11 Furthermore, the legislature finds that students learn by example.
12 The legislature commends school administrators, faculty, staff, and
13 volunteers for demonstrating appropriate behavior, treating others with
14 civility and respect, and refusing to tolerate harassment,
15 intimidation, or bullying.

16 NEW SECTION. **Sec. 2.** (1) By August 1, 2003, each school district
17 shall adopt or amend if necessary a policy, within the scope of its
18 authority, that prohibits the harassment, intimidation, or bullying of

1 any student. It is the responsibility of each school district to share
2 this policy with parents or guardians, students, volunteers, and school
3 employees.

4 (2) "Harassment, intimidation, or bullying" means any intentional
5 written, verbal, or physical act, including but not limited to one
6 shown to be motivated by any characteristic in RCW 9A.36.080(3), or
7 other distinguishing characteristics, when the intentional written,
8 verbal, or physical act:

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

11 (b) Has the effect of substantially interfering with a student's
12 education; or

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

15 (d) Has the effect of substantially disrupting the orderly
16 operation of the school.

17 Nothing in this section requires the affected student to actually
18 possess a characteristic that is a basis for the harassment,
19 intimidation, or bullying.

20 (3) The policy should be adopted or amended through a process that
21 includes representation of parents or guardians, school employees,
22 volunteers, students, administrators, and community representatives.
23 It is recommended that each such policy emphasize positive character
24 traits and values, including the importance of civil and respectful
25 speech and conduct, and the responsibility of students to comply with
26 the district's policy prohibiting harassment, intimidation, or
27 bullying.

28 (4) By August 1, 2002, the superintendent of public instruction, in
29 consultation with representatives of parents, school personnel, and
30 other interested parties, shall provide to school districts and
31 educational service districts a model harassment, intimidation, and
32 bullying prevention policy and training materials on the components
33 that should be included in any district policy. Training materials
34 shall be disseminated in a variety of ways, including workshops and
35 other staff developmental activities, and through the office of the
36 superintendent of public instruction's web site, with a link to the
37 safety center web page. On the web site:

1 (a) The office of the superintendent of public instruction shall
2 post its model policy, recommended training materials, and
3 instructional materials;

4 (b) The office of the superintendent of public instruction has the
5 authority to update with new technologies access to this information in
6 the safety center, to the extent resources are made available; and

7 (c) Individual school districts shall have direct access to the
8 safety center web site to post a brief summary of their policies,
9 programs, partnerships, vendors, and instructional and training
10 materials, and to provide a link to the school district's web site for
11 further information.

12 ****NEW SECTION. Sec. 3. A new section is added to chapter 28A.320***
13 ***RCW to read as follows:***

14 ***Beginning with the 2002-03 school year, each school district shall***
15 ***report to the superintendent of public instruction by January 31st of***
16 ***each year all incidents resulting in disciplinary action involving***
17 ***harassment, intimidation, or bullying on school premises or on***
18 ***transportation systems used by schools, in the year preceding the***
19 ***report. The superintendent shall compile the data and report it to the***
20 ***appropriate committees of the house of representatives and the senate.***

21 ****Sec. 3 was vetoed. See message at end of chapter.***

22 ***NEW SECTION. Sec. 4. A new section is added to chapter 28A.600***
23 ***RCW to read as follows:***

24 (1) No school employee, student, or volunteer may engage in
25 reprisal, retaliation, or false accusation against a victim, witness,
26 or one with reliable information about an act of harassment,
27 intimidation, or bullying.

28 (2) A school employee, student, or volunteer who has witnessed, or
29 has reliable information that a student has been subjected to,
30 harassment, intimidation, or bullying, whether verbal or physical, is
31 encouraged to report such incident to an appropriate school official.

32 (3) A school employee, student, or volunteer who promptly reports
33 an incident of harassment, intimidation, or bullying to an appropriate
34 school official, and who makes this report in compliance with the
35 procedures in the district's policy prohibiting bullying, harassment,
36 or intimidation, is immune from a cause of action for damages arising
37 from any failure to remedy the reported incident.

Passed the House March 9, 2002.
Passed the Senate March 6, 2002.
Approved by the Governor March 27, 2002, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State March 27, 2002.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 3,
3 Substitute House Bill No. 1444 entitled:

4 "AN ACT Relating to preventing harassment, intimidation, or
5 bullying in schools;"

6 Substitute House Bill No. 1444 requires each school district to
7 adopt a policy prohibiting harassment, intimidation, or bullying of any
8 student. Our schools should be safe places, conducive to learning,
9 where all students can learn without fear. I strongly support this
10 bill, which will help ensure that parents, teachers and students take
11 bullying seriously.

12 Section 3 of the bill would have required each school district to
13 report all incidents resulting in disciplinary action involving
14 harassment, intimidation, or bullying. "Incident" and "disciplinary
15 action" are not defined terms. If every counseling session,
16 intervention, detention or parent conference that resulted from a
17 bullying incident were required to be reported, the burden would be
18 overwhelming, and could serve as a disincentive for educators to take
19 action except in the most egregious cases.

20 For these reasons, I have vetoed section 3 of Substitute House Bill
21 No. 1444.

22 With the exception of section 3, Substitute House Bill No. 1444 is
23 approved."