

SENATE BILL REPORT

SHB 2801

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 24, 2010
Ways & Means, March 1, 2010

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 Lias, Johnson, Pedersen, Hunt, Orwall, Maxwell, Quall, Moeller, Chase, Williams, Nelson and Simpson).

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

Committee Activity: Early Learning & K-12 Education: 2/18/10, 2/24/10 [DPA-WM, DNP].

Ways & Means: 2/27/10, 3/01/10 [DPA, DNP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Oemig, Vice Chair, K-12; Gordon, Hobbs, McDermott and Roach.

Minority Report: Do not pass.

Signed by Senators King, Ranking Minority Member; Brandland and Holmquist.

Staff: Juliana Roe (786-7438)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs, Keiser, Kline, Kohl-Welles, McDermott, Oemig, Pridemore, Regala and Rockefeller.

Minority Report: Do not pass.

Signed by Senator Schoesler.

Minority Report: That it be referred without recommendation.

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.

Signed by Senators Zarelli, Ranking Minority Member; Brandland, Hewitt, Honeyford and Parlette.

Staff: Elise Greef (786-7708)

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: (1) physically harms a student or damages a student's property; (2) has the effect of substantially interfering with a student's education; (3) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (4) has the effect of substantially disrupting the orderly operation of the school. The original legislation also 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, 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.

Summary of Bill (Recommended Amendments): OSPI, in consultation with OEO, WSSDA, and other interested parties, must revise and update the model harassment, intimidation, and bullying prevention policy and procedure by August 1, 2010. OSPI is required to provide on its safety center web page the revised and updated model harassment, intimidation, and bullying prevention policy and procedure, along with training and instructional materials. By August 1, 2011, school districts must adopt or amend their policies to, at a minimum, incorporate OSPI's model policy and procedure. School districts are required to provide OSPI with a brief summary of their policies, procedures, and other related information for OSPI to post on the school safety center website. 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 OSPI and OEO. OEO is designated as the lead agency to provide resources and tools to parents and families about anti-harassment policies and strategies.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments): Removes an ongoing work group with representation from various groups and with biennial reports to the Legislature and the Governor.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments): WSSDA is included as one of the parties that is consulted in order to provide the Legislature with a revised and updated model harassment, intimidation, and bullying prevention policy and procedure.

The language that directed OSPI to provide school districts and Educational Service Districts with the revised and updated model harassment, intimidation, and bullying prevention policy and procedure and training materials, if the Legislature takes no action during the 2011 legislative session, is removed.

The language that required training materials to be disseminated in a variety of ways is removed. OSPI is required to provide on its safety center web page the revised and updated model harassment, intimidation, and bullying prevention policy and procedure, along with training and instructional materials.

The work group is required to recommend training to district personnel if funds are appropriated or available.

School districts are required to provide OSPI with a brief summary of their policies, procedures, and other related information for OSPI to post on the school safety center website.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

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

Staff Summary of Public Testimony on Substitute House Bill (Early Learning & K-12 Education): PRO: Bullying in public schools continues despite current laws. There is a lack of safety and intervention on campus when bullying occurs. While a school may have stellar academics, it may not be a safe place for students. This bill is good because it provides mechanisms for accountability and provides standards to follow. These procedures would be made available to parents so that they are provided with resources and direction if bullying occurs so that parents are not discounted, ignored, and rushed off. It would be helpful to add a manner by which a parent or student can anonymously report bullying. Another helpful addition would be staff training so that teachers understand the impact of repeated bullying.

There tends to be a lack of understanding at schools as to what should be done when bullying occurs. It is necessary for schools to implement a plan so that everyone is clear about what should occur.

Astonishingly, 45 percent of all teachers have admitted to bullying students according to a study that was conducted. Bullying starts at the top and works its way down.

This bill should be amended to provide safety nets, policies, and procedures for the bullying of adults. Many times, adults are bullied by other adults in public schools. We cannot have safe schools for children and not make the school safe for adults.

Persons Testifying (Early Learning & K-12 Education): PRO: Christine Reuther, Susan Fish, Adam Caldwell, Peggy Johnson, Richard Reuther, citizens; Jennifer Allen, Planned Parenthood and Safe Schools; Christie Perkins, Washington State Special Education Coalition; Robert Harkins, OSPI.

Staff Summary of Public Testimony on Recommended Amendments (Ways & Means):
PRO: The fiscal note on this bill is small. It is likely that the fiscal note can be reduced and we are open to making changes so that that is accomplished.

Persons Testifying (Ways & Means): PRO: Jennifer Allen, Planned Parenthood.