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SENATE BILL 5766

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State of Washington

65th Legislature

2017 Regular Session

By Senators Lias, Pedersen, Billig, Fain, Hunt, Keiser, Kuderer, and Saldaña

Read first time 02/09/17. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to preventing harassment, intimidation, and  
2 bullying in public schools; and amending RCW 28A.300.285.

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

4 **Sec. 1.** RCW 28A.300.285 and 2013 c 23 s 50 are each amended to  
5 read as follows:

6 (1) By August 1, 2011, each school district shall adopt or amend  
7 if necessary a policy and procedure that at a minimum incorporates  
8 the revised model policy and procedure provided under subsection (4)  
9 of this section that prohibits the harassment, intimidation, or  
10 bullying of any student. It is the responsibility of each school  
11 district to share this policy with parents or guardians, students,  
12 volunteers, and school employees in accordance with rules adopted by  
13 the superintendent of public instruction. Each school district shall  
14 designate one person in the district as the primary contact regarding  
15 the antiharassment, intimidation, or bullying policy. The primary  
16 contact shall receive copies of all formal and informal complaints,  
17 have responsibility for (~~assuring~~) ensuring the implementation of  
18 the policy and procedure, and serve as the primary contact on the  
19 policy and procedures between the school district, the office of the  
20 education ombuds, and the office of the superintendent of public  
21 instruction. The primary contact from each school district shall

1 attend at least one training class as provided in subsection (8) of  
2 this section, once this training is available.

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

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

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

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

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

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

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

27 (4)(a) By August 1, 2010, the superintendent of public  
28 instruction, in consultation with representatives of parents, school  
29 personnel, the office of the education ombuds, the Washington state  
30 school directors' association, and other interested parties, shall  
31 provide to the education committees of the legislature a revised and  
32 updated model harassment, intimidation, and bullying prevention  
33 policy and procedure. The superintendent of public instruction shall  
34 publish on its web site, with a link to the safety center web page,  
35 the revised and updated model harassment, intimidation, and bullying  
36 prevention policy and procedure, along with training and  
37 instructional materials on the components that shall be included in  
38 any district policy and procedure. The superintendent shall adopt  
39 rules regarding school districts' communication of the policy and  
40 procedure to parents, students, employees, and volunteers.

1 (b) The office of the superintendent of public instruction has  
2 the authority to update with new technologies access to this  
3 information in the safety center, to the extent resources are made  
4 available.

5 (c) Each school district shall by August 15, 2011, provide to the  
6 superintendent of public instruction a brief summary of its policies,  
7 procedures, programs, partnerships, vendors, and instructional and  
8 training materials to be posted on the school safety center web site,  
9 and shall also provide the superintendent with a link to the school  
10 district's web site for further information. The district's primary  
11 contact for bullying and harassment issues shall annually by August  
12 15th verify posted information and links and notify the school safety  
13 center of any updates or changes.

14 (5) The Washington state school directors' association, with the  
15 assistance of the office of the superintendent of public instruction,  
16 shall convene an advisory committee to develop a model policy  
17 prohibiting acts of harassment, intimidation, or bullying that are  
18 conducted via electronic means by a student while on school grounds  
19 and during the school day. The policy shall include a requirement  
20 that materials meant to educate parents and students about the  
21 seriousness of cyberbullying be disseminated to parents or made  
22 available on the school district's web site. The school directors'  
23 association and the advisory committee shall develop sample materials  
24 for school districts to disseminate, which shall also include  
25 information on responsible and safe internet use as well as what  
26 options are available if a student is being bullied via electronic  
27 means including, but not limited to, reporting threats to local  
28 police and when to involve school officials, the internet service  
29 provider, or phone service provider. The school directors'  
30 association shall submit the model policy and sample materials, along  
31 with a recommendation for local adoption, to the governor and the  
32 legislature and shall post the model policy and sample materials on  
33 its web site by January 1, 2008. Each school district board of  
34 directors shall establish its own policy by August 1, 2008.

35 (6) By August 1, 2018, each school district shall adopt or amend  
36 if necessary a transgender student policy and procedure that at a  
37 minimum incorporates the model transgender student policy and  
38 procedure created by the Washington state school directors'  
39 association. It is the responsibility of each school district to  
40 share this policy with parents or guardians, students, volunteers,

1 and school employees in accordance with rules adopted by the  
2 superintendent of public instruction. Each school district shall  
3 designate one person in the district as the primary contact regarding  
4 the transgender student policy. The primary contact shall receive  
5 copies of all formal and informal complaints, have responsibility for  
6 ensuring the implementation of the policy and procedure, and serve as  
7 the primary contact on the policy and procedures between the school  
8 district, the office of the education ombuds, and the office of the  
9 superintendent of public instruction. The primary contact from each  
10 school district shall attend at least one training class as provided  
11 in subsection (8) of this section, once this training is available.

12 (7) Each school district shall by August 15, 2018, provide to the  
13 superintendent of public instruction a brief summary of its policies,  
14 procedures, programs, partnerships, vendors, and instructional and  
15 training materials relating to transgender students to be posted on  
16 the school safety center web site, and shall also provide the  
17 superintendent with a link to the school district's web site for  
18 further information. The district's primary contact for transgender  
19 student issues shall annually by August 15th verify posted  
20 information and links and notify the school safety center of any  
21 updates or changes.

22 (8) By December 31, 2018, the office of the superintendent of  
23 public instruction must develop a statewide training class for those  
24 people in each school district who act as the primary contact  
25 regarding the antiharassment, intimidation, or bullying policy as  
26 provided in subsection (1) of this section and the transgender  
27 student policy as provided in subsection (6) of this section. The  
28 training class must be offered on an annual basis by educational  
29 service districts in collaboration with the office of the  
30 superintendent of public instruction. The training class must be  
31 based on the model policies as provided in subsections (4) and (6) of  
32 this section and include materials related to hazing.

33 (9) The office of the superintendent of public instruction, in  
34 collaboration with the department of health and the department of  
35 social and health services, shall review and align the questions in  
36 the healthy youth survey with the model transgender student policy  
37 and procedure created by the Washington state school directors'  
38 association the next time that these questions are reviewed.

39 (10) As used in this section, "electronic" or "electronic means"  
40 means any communication where there is the transmission of

1 information by wire, radio, optical cable, electromagnetic, or other  
2 similar means.

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