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**SUBSTITUTE SENATE BILL 5689**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Liias, Saldaña, Pedersen, Wellman, Wilson, C., Randall, Hunt, McCoy, Salomon, Darneille, Hasegawa, Keiser, Kuderer, and Nguyen)

AN ACT Relating to preventing harassment, intimidation, bullying, and discrimination in public schools; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.642 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.405 RCW; and repealing RCW 28A.300.285.

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

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

PROHIBITION OF HARASSMENT, INTIMIDATION, OR BULLYING.

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary 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.

(b) School districts must share this antiharassment, intimidation, and bullying policy and procedure with parents or guardians, students, volunteers, and school employees in accordance with the rules adopted by the office of the superintendent of public instruction.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the antiharassment, intimidation, or bullying policy and procedure. In addition to other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policy and procedure;

(B) Receive copies of all formal and informal harassment, intimidation, or bullying complaints;

(C) Communicate with the school district employees responsible for monitoring school district compliance with chapter 28A.642 RCW, prohibiting discrimination in public schools, and section 2 of this act, related to transgender student policy and procedure; and

(D) 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.

(ii) The primary contact from each school district must attend at least one training class as provided in subsection (4) of this section, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's transgender policy under section 2 of this act.

(2) School districts are encouraged to adopt and update the policy and procedure through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model policy and procedure that prohibits harassment, intimidation, and bullying.

(b) Each school district must provide to the office of the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials to be posted on the office of the superintendent of public instruction's school safety center web site, and must also provide the office of the superintendent of public instruction with a link to the school district's web site for further information. The school district's primary contact for harassment, intimidation, and bullying issues must annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(c) The office of the superintendent of public instruction must publish on its web site, with a link to the school safety center web site, the revised and updated model harassment, intimidation, and bullying prevention policy and procedure, along with training and instructional materials on the components that must be included in any school district policy and procedure. By September 1, 2019, the office of the superintendent of public instruction must adopt rules regarding school districts' communication of the policy and procedure to parents, students, employees, and volunteers.

(4) By December 31, 2020, the office of the superintendent of public instruction must develop a statewide training class for those people in each school district who act as the primary contact regarding the antiharassment, intimidation, or bullying policy as provided in subsection (1) of this section. The training class must be offered on an annual basis by educational service districts in collaboration with the office of the superintendent of public instruction. The training class must be based on the model policy as provided in subsection (3) of this section and include materials related to hazing and the Washington state school directors' association model transgender student policy and procedure as provided in section 2 of this act.

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

(a) "Electronic" 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.640.010 and 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) Nothing in (b)(i) of this subsection requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

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

TRANSGENDER STUDENT POLICY AND PROCEDURE.

(1)(a) By January 31, 2020, each school district must adopt or amend if necessary a transgender student policy and procedure that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section.

(b) School districts must share this transgender student policy and procedure with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the office of the superintendent of public instruction.

(c)(i) Each school district must designate one person in the school district as the primary contact regarding the transgender student policy and procedure. In addition to any other duties required by law and the school district, the primary contact must:

(A) Ensure the implementation of the policy and procedure;

(B) Receive copies of all formal and informal complaints;

(C) Communicate with the school district employees responsible for monitoring school district compliance with this chapter, and the district's primary contact regarding a school district's antiharassment, intimidation, or bullying policy and procedure under section 1 of this act; and

(D) 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.

(ii) The primary contact from each school district must attend at least one training class as provided in section 1 of this act, once this training is available.

(iii) The primary contact may also serve as the primary contact regarding the school district's antiharassment, intimidation, or bullying policy under section 1 of this act.

(2) As required by the office of the superintendent of public instruction, each school district must provide to the office of the superintendent of public instruction its policies and procedures relating to transgender students.

(3)(a) By September 1, 2019, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop and update a model transgender student policy and procedure.

(b) The model policy and procedure must, at a minimum: Incorporate the office of the superintendent of public instruction's 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 antiharassment, intimidation, or bullying policy and procedure, required under section 1 of this act, to transgender students.

(c) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure on each agency's web site at no cost to school districts.

(4)(a) By December 31, 2020, the office of the superintendent of public instruction must develop online training material available to all school staff based on the model transgender student policy and procedure adopted under subsection (3) of this section and the office of the superintendent of public instruction's rules and guidance as provided under this chapter.

(b) The online training material must describe the role of school district primary contacts for monitoring school district compliance with this chapter prohibiting discrimination in public schools, section 1 of this act related to antiharassment, intimidation, or bullying policies and procedures, and this section related to transgender student policies and procedures.

(c) The online training material must include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

(d) The office of the superintendent of public instruction must annually notify school districts of the availability of the online training material.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction, in collaboration with the department of health and the department of social and health services, must review and align the questions in the healthy youth survey with the model transgender student policy and procedure developed under section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.405 RCW to read as follows:

A teacher's evaluation under RCW 28A.405.100 may not be negatively impacted if a teacher chooses to use curriculum or instructional materials that address subject matter related to sexual orientation including gender expression or identity so long as the subject matter is age-appropriate and connected to the teacher's content area.

NEW SECTION. **Sec.**  RCW 28A.300.285 (Harassment, intimidation, and bullying prevention policies and procedures—Model policy and procedure—Training materials—Posting on web site—Rules—Advisory committee) and 2013 c 23 s 50, 2010 c 239 s 2, 2007 c 407 s 1, & 2002 c 207 s 2 are each repealed.

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