
SENATE BILL 5689

State of Washington

66th Legislature

2019 Regular Session

By Senators Lias, Saldaña, Pedersen, Wellman, Wilson, C., Randall, Hunt, McCoy, Salomon, Darneille, Hasegawa, Keiser, Kuderer, and Nguyen

Read first time 01/28/19. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to preventing harassment, intimidation, bullying,
2 and discrimination in public schools; adding a new section to chapter
3 28A.600 RCW; adding a new section to chapter 28A.642 RCW; adding a
4 new section to chapter 28A.300 RCW; and repealing RCW 28A.300.285.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.600
7 RCW to read as follows:

8 PROHIBITION OF HARASSMENT, INTIMIDATION, OR BULLYING. (1)(a) By
9 September 1, 2019, each school district must adopt or amend if
10 necessary a policy and procedure that prohibits the harassment,
11 intimidation, or bullying of any student and that, at a minimum,
12 incorporates the model policy and procedure described in subsection
13 (3) of this section.

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

19 (c)(i) Each school district must designate one person in the
20 school district as the primary contact regarding the antiharassment,
21 intimidation, or bullying policy and procedure. In addition to other

1 duties required by law and the school district, the primary contact
2 must:

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

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

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

10 (D) Serve as the primary contact on the policy and procedure
11 between the school district, the office of the education ombuds, and
12 the office of the superintendent of public instruction.

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

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

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

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

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

39 (c) The office of the superintendent of public instruction must
40 publish on its web site, with a link to the school safety center web

1 site, the revised and updated model harassment, intimidation, and
2 bullying prevention policy and procedure, along with training and
3 instructional materials on the components that must be included in
4 any school district policy and procedure. The office of the
5 superintendent of public instruction must adopt rules regarding
6 school districts' communication of the policy and procedure to
7 parents, students, employees, and volunteers.

8 (4) By December 31, 2019, the office of the superintendent of
9 public instruction must develop a statewide training class for those
10 people in each school district who act as the primary contact
11 regarding the antiharassment, intimidation, or bullying policy as
12 provided in subsection (1) of this section. The training class must
13 be offered on an annual basis by educational service districts in
14 collaboration with the office of the superintendent of public
15 instruction. The training class must be based on the model policy as
16 provided in subsection (3) of this section and include materials
17 related to hazing and the Washington state school directors'
18 association model transgender student policy and procedure as
19 provided in section 2 of this act.

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

22 (a) "Electronic" means any communication where there is the
23 transmission of information by wire, radio, optical cable,
24 electromagnetic, or other similar means.

25 (b) (i) "Harassment, intimidation, or bullying" means any
26 intentional electronic, written, verbal, or physical act including,
27 but not limited to, one shown to be motivated by any characteristic
28 in RCW 28A.640.010 and 28A.642.010, or other distinguishing
29 characteristics, when the intentional electronic, written, verbal, or
30 physical act:

31 (A) Physically harms a student or damages the student's property;

32 (B) Has the effect of substantially interfering with a student's
33 education;

34 (C) Is so severe, persistent, or pervasive that it creates an
35 intimidating or threatening educational environment; or

36 (D) Has the effect of substantially disrupting the orderly
37 operation of the school.

38 (ii) Nothing in (b) (i) of this subsection requires the affected
39 student to actually possess a characteristic that is a basis for the
40 harassment, intimidation, or bullying.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.642
2 RCW to read as follows:

3 TRANSGENDER STUDENT POLICY AND PROCEDURE. (1) (a) By September 1,
4 2019, each school district must adopt or amend if necessary a
5 transgender student policy and procedure that, at a minimum,
6 incorporates the model policy and procedure described in subsection
7 (3) of this section.

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

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

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

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

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

23 (D) Serve as the primary contact on the policy and procedure
24 between the school district, the office of the education ombuds, and
25 the office of the superintendent of public instruction.

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

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

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

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

1 (b) The model policy and procedure must, at a minimum:
2 Incorporate the office of the superintendent of public instruction's
3 rules and guidelines developed under RCW 28A.642.020 to eliminate
4 discrimination in Washington public schools on the basis of gender
5 identity and expression; address the unique challenges and needs
6 faced by transgender students in public schools; and describe the
7 application of the model antiharassment, intimidation, or bullying
8 policy and procedure, required under section 1 of this act, to
9 transgender students.

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

14 (4)(a) By December 31, 2019, the office of the superintendent of
15 public instruction must develop online training material available to
16 all school staff based on the model transgender student policy and
17 procedure adopted under subsection (3) of this section and the office
18 of the superintendent of public instruction's rules and guidance as
19 provided under this chapter.

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

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

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

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300
33 RCW to read as follows:

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

1 NEW SECTION. **Sec. 4.** RCW 28A.300.285 (Harassment, intimidation,
2 and bullying prevention policies and procedures—Model policy and
3 procedure—Training materials—Posting on web site—Rules—Advisory
4 committee) and 2013 c 23 s 50, 2010 c 239 s 2, 2007 c 407 s 1, & 2002
5 c 207 s 2 are each repealed.

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