

---

## Education Committee

---

### HB 2442

**Brief Description:** Creating a students protecting students program.

**Sponsors:** Representative Manweller.

#### Brief Summary of Bill

- Establishes the Students Protecting Students Program for the primary purpose of providing students with a fast, secure, and anonymous method of reporting activities or the threat of activities that are inappropriate, unsafe, harmful, dangerous, unethical, or illegal, subject to funding by the Legislature.
- Requires public seventh through twelfth grade schools to have a Students Protecting Students Program beginning January 1, 2019, subject to funding by the Legislature.
- Includes provisions limiting students, school administrators, school boards, school districts, and the state from liability.

**Hearing Date:** 1/16/18

**Staff:** Katie Choate (786-7296) and Megan Wargacki (786-7194).

#### **Background:**

##### School Safety.

In Washington, all public schools and school districts must have current Safe School Plans and procedures in place. The School Safety Center, within the Office of the Superintendent of Public Instruction (OSPI), provides resources to help in the development of high-quality emergency operations and safety plans. The website of the School Safety Center has information about bullying and harassment, gang activity in schools, and crisis resources, among other things.

##### Student Data Privacy Laws.

There are federal and state laws that protect the privacy of student data. Under the federal Family Educational Rights and Privacy Act, schools must have written consent from the parent,

---

*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.*

or students, when the right has transferred, in order to release any personally identifiable information from a student's education record, unless one or more exceptions applies.

State law requires school service providers to follow certain requirements related to privacy policies; collection, use and sharing of student personal information; and security, privacy, confidentiality, and integrity of student personal information. For example, providers may collect, use, and share student personal information only for an authorized purpose or with the consent of the student or the student's family. A school service is a web site, mobile application, or online service that: (a) is designed and marketed primarily for use in a kindergarten through twelfth grade (K-12) school; (b) is used at the direction of teachers or other employees of a K-12 school; and (c) collects, maintains, or uses student personal information.

### **Summary of Bill:**

Subject to funding by the Legislature, the Students Protecting Students Program (program) is established for the primary purpose of providing students with a fast, secure, and anonymous method of reporting activities or the threat of activities that are inappropriate, unsafe, harmful, dangerous, unethical, or illegal.

At a minimum, a local program must have a mobile application with the following features:

- fast, secure, and anonymous reporting to school administrators of activities or the threat of activities that are inappropriate, unsafe, harmful, dangerous, unethical, or illegal;
- two-way messaging;
- the ability to include text, image, and video in reports and messages;
- the ability to designate school administrators who will receive and respond to reports;
- the ability for school administrators to manage, escalate, and analyze incidents;
- media to publicize and explain the application to students and families; and
- protection of the privacy of student data, consistent with federal and state laws.

Beginning January 1, 2019, public schools with any of grades seven through twelve must have a program, subject to funding by the Legislature.

A student or school administrator who uses the program in good faith is immune from liability arising out of such reporting. In addition, these requirements do not create any civil liability for school districts, or create a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2018.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.