

# SENATE BILL REPORT

## SSB 5766

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As Passed Senate, January 19, 2018

**Title:** An act relating to preventing harassment, intimidation, bullying, and discrimination in public schools.

**Brief Description:** Preventing harassment, intimidation, bullying, and discrimination in public schools.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Lias, Pedersen, Billig, Fain, Hunt, Keiser, Kuderer and Saldaña).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/11/18, 1/15/18 [DPS, DNP].

**Floor Activity:**

Passed Senate: 1/19/18, 30-18.

### Brief Summary of First Substitute Bill

- Requires school districts to adopt or amend a transgender student policy and procedure that incorporates a model policy and rules and guidelines developed by the Office of the Superintendent of Public Instruction (OSPI).
- Directs school districts to designate a primary contact regarding the policy and identifies certain responsibilities.
- Tasks OSPI with developing a mandatory training class for primary contacts for the transgender student policy and the anti-harassment, intimidation, or bullying policy.
- Requires OSPI to review and align questions in the Healthy Youth Survey with the model transgender student policy.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5766 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig, Hunt, Mullet and Pedersen.

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*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.*

**Minority Report:** Do not pass.  
Signed by Senators Hawkins and Padden.

**Staff:** Ailey Kato (786-7434)

**Background:** Anti-Harassment, Intimidation, or Bullying Policy and Primary Contacts. Current law requires each school district to have adopted or amended an anti-harassment, intimidation, or bullying policy and procedure. School districts must designate a primary contact regarding the policy with certain responsibilities.

Discrimination Prohibition. State law prohibits discrimination on the basis of sexual orientation including gender expression or identity in Washington public schools. State law directs OSPI to develop rules and guidelines to eliminate discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students. According to OSPI's guidance, harassment based on gender identity and gender expression is a form of discrimination prohibited in Washington public schools. A school district is responsible for addressing discriminatory harassment about which it knows or reasonably should have known.

Washington State School Directors' Association (WSSDA). This organization is comprised of all 1477 school board members from Washington's 295 public school districts. WSSDA provides materials and educational services to its members, including model policies and procedures. In 2014, WSSDA revised its model transgender student policy and procedure.

Healthy Youth Survey. This survey is a collaborative effort between OSPI, the Department of Health (DOH), and the Department of Social and Health Service (DSHS). It is conducted every two years. The survey measures health risk behaviors of youth in the state. These behaviors include alcohol, tobacco, and other drug use; behaviors that result in unintentional and intentional injuries, such as violence; dietary behaviors; physical activity; and related risk and protective factors.

**Summary of First Substitute Bill:** Transgender Student Policy and Primary Contacts. By August 1, 2018, school districts must adopt or amend, if necessary, a transgender student policy and procedure. The policy must include provisions addressing discriminatory harassment of transgender students and must incorporate:

- the model transgender student policy and procedure created by WSSDA; and
- the rules and guidelines developed by OSPI to eliminate discrimination in public schools on the basis of gender identity and expression.

School districts must share this policy with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by OSPI.

School districts must designate one person in the district as the primary contact regarding the policy. Primary contacts must receive copies of all formal and informal complaints, have responsibility for ensuring the implementation of the policy and procedure, and be the point contact between agencies.

By August 15, 2018, school districts must provide OSPI with its policies and procedures relating to transgender students and a link to the school district's website for further information. Each year, by August 15, the district's primary contact must notify OSPI of any updates or changes to the policies and procedures.

Training. The primary contacts for the transgender student policy and anti-harassment, intimidation, or bullying policy must attend at least one training class when the training is available. OSPI must develop a statewide training class by December 31, 2018. The training class must be offered on an annual basis by educational service districts in collaboration with OSPI. The training class must be based on the model policies, OSPI's rules and guidance, and include materials related to hazing.

Healthy Youth Survey. OSPI, in collaboration with DOH and DSHS, must review and align the questions in the Healthy Youth Survey with the model transgender student policy and procedure created by WSSDA.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on First Substitute:** PRO: High percentages of transgender youth report that they feel unsafe at school and are at risk for unsafe behavior. A number of school districts have already adopted the model policy with positive results. Requiring school districts to adopt this policy is a step toward making sure all transgender students in the state are safe and protected. Anti-harassment, intimidation, and bullying policies are more effective when they explicitly address gender identity and sexual orientation. A policy will not stop students from harming other students, but it provides a foundation for creating a safe and inclusive community. All humans are deserving of respect regardless of race, ethnicity, sexual orientation, or gender identity. No one wants to be physically or verbally attacked or bullied, especially when it is based on their core identity. Bullying initiatives should be expanded to include teachers because they can also be at risk.

**Persons Testifying:** PRO: Senator Marko Liias, Prime Sponsor; Lisa Keating, Purple Umbrella; Lucy Homans, Washington State Psychological Association; Rabbi Seth Goldstein, citizen; Keitha Bryson, Quality of Work Life in Education; Lindsey Salinas, citizen.

**Persons Signed In To Testify But Not Testifying:** No one.